

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 5 June 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Christopher Newbury (Chairman)
Cllr Bill Parks (Vice-Chairman)
Cllr Trevor Carbin
Cllr Ernie Clark
Cllr Andrew Davis
Cllr Stewart Palmen

Cllr Horace Prickett
Cllr Pip Ridout
Cllr Jonathon Seed
Cllr David Vigar
Cllr Suzanne Wickham

Substitutes

Cllr Matthew Dean
Cllr Jon Hubbard
Cllr Tony Jackson
Cllr Mel Jacob
Cllr George Jeans

Cllr Gordon King
Cllr Mike Sankey
Cllr Graham Wright
Cllr Tamara Reay
Cllr Bridget Wayman

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on 8 May 2024.

Please note: these will follow as an Agenda Supplement.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 29 May 2024** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 31 May 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 5 - 28*)

To receive details of completed and pending appeals and other updates as appropriate.

Commons Act 2006 - Sections 15(1) and (2) - Application to Register Land as Town or Village Green

7 **Northfield Playing Field, Winsley - Application no.2021/01TVG** (*Pages 29 - 358*)

To consider the evidence submitted regarding an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land known as Northfield Playing Field, Winsley, as a Town or Village Green (TVG) (Application no.2021/01TVG), in order to determine the application.

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

**Wiltshire Council
Western Area Committee
5th June 2024**

Planning Appeals Received between 26/04/2024 and 17/05/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/10654	Land adjacent to A350, West Ashton Road, Yarnbrook, Trowbridge, BA14 6AF	North Bradley	Outline consent for the consent of 4No. dwellings with all matters reserved apart from access.	DEL	Written Representations	Refuse	08/05/2024	No

Planning Appeals Decided between 26/04/2024 and 17/05/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2023/00859	Elmleaze Farm, Keevil, Trowbridge, BA14 6NF	Keevil	Change of use of a 2-bed holiday let to a dwelling (C3 use class)	DEL	Written Reps	Refuse	Allowed with Conditions	15/05/2024	None
PL/2023/01565	Sewage Works, Upper South Wraxall, Wiltshire, BA15 2SB	South Wraxall	Erection of a dwellinghouse	DEL	Written Reps	Refuse	Dismissed	08/05/2024	None
PL/2023/03701	Land adjoining 1 Lamberts Marsh, Southwick, Trowbridge, BA14 9PA	Southwick	Permission in Principle for the erection of one dwelling	DEL	Written Reps	Refuse	Dismissed	01/05/2024	None

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Appeal Decision

Site visit made on 27 February 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/Y3940/W/23/3329735

Elmleaze Farm, Keevil, Trowbridge, Wiltshire BA14 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Fry against the decision of Wiltshire Council.
 - The application Ref is PL/2023/00859.
 - The development proposed is change of use of a 2-bed holiday let to a dwelling (C3 use class).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a 2-bed holiday let to a dwelling (C3 use class) at Elmleaze Farm, Keevil, Trowbridge, Wiltshire, BA14 6NF in accordance with the terms of the application, Ref PL/2023/00859, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The address of the appeal site, stated in the banner heading above, has been taken from the application form. For the avoidance of doubt, I observed that 'The Old Cricket Pitch' was stated on the site entrance gate.
3. The proposed change of use has been carried out and the dwelling is being occupied as a residential dwelling by Ms. Valerie Austin, a close relative of the appellant. I have determined the appeal on this basis.
4. The Council has confirmed that, following the appellant's clarifications regarding the provision of visibility splays on site, the Council's 2nd reason for refusal, relating to highway safety, has now been overcome. This is reflected in the main issue, which is set out below.

Main Issue

5. The main issue is whether the site provides a suitable location for residential development, having particular regard to the settlement strategy for the area.

Reasons

6. The appeal site comprises a former agricultural building, located at the end of a run of dwellings on the eastern edge of Keevil, which has previously been converted into a 2-bedroom holiday let. The relevant planning permission imposed conditions securing the use of the building for holiday accommodation only. The planning history for the site shows that previous applications have been made for residential use at the site, all of which have been refused.

7. This appeal relates to permission for a change of use of the building from its existing lawful use as a holiday let to use as a dwellinghouse. No operational development or changes to the existing curtilage of the building are proposed.
8. Keevil is identified in the Wiltshire Core Strategy (adopted 2015) (Core Strategy) as a 'Small Village'. Small Villages do not have settlement boundaries, but rather the requirements of Core Policy 2 of the Core Strategy are applicable.
9. Core Policy 2 provides that, amongst other things, at the Small Villages development will be limited to infill within the existing built area. Paragraph 4.34 of the Core Strategy clarifies that for the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling.
10. Firstly, the appellant's description of the change of use as infilling a new use into the existing building does not accord with the definition given at paragraph 4.34, which refers to the filling of a small gap within the village. In this regard, the references to 'filling', 'dwellings', and the size of the gap in paragraph 4.34 indicates that paragraph 4.34 is concerned with built development, which is not under consideration in this appeal.
11. Secondly, even if I were to find that the change of use had the potential to fall within the definition given at paragraph 4.34, as the site is surrounded by fields on 3 sides, with an absence of development immediately to the east of the site, the site does not constitute a small gap within the village. Consequently, the change of use does not fall within the definition of infill given in paragraph 4.34 of the Core Strategy. Core Policy 2 does not therefore provide support for the change of use.
12. Following my findings above, it is not necessary to consider criterion i), ii), or iii), found under the 'Outside the defined limits of development' sub-heading in Core Policy 2, as the change of use does not relate to a development type which is supported by Core Policy 2. The change of use's non-conformity with the delivery strategy detailed in Core Policy 2 means that the change of use undermines the aim of Core Policy 1 in directing appropriate development towards the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire.
13. One of the objectives of Core Policy 48 of the Core Strategy, as set out in paragraph 6.66 of the Core Strategy, is to support the sensitive reuse of built assets to help meet local needs. Core Policy 48 lists the criteria which must be fulfilled for proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses to be supported. Core Policy 48 further states that where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the same criteria.
14. Mention has been made of the current state of the tourism sector in general, including in relation to the number of people taking vacations abroad. However, few details have been provided to substantiate the assertion that the need for overnight accommodation with respect to the site has decreased, or that the holiday let is unviable. This does not amount to the clear evidence required to demonstrate that the existing tourism use on site is not a practical proposition,

as required by Core Policy 48. Core Policy 48 does not therefore provide support for the change of use.

15. As the site is located at the end of a run of dwellings which are themselves located near to other development which leads towards the heart of Keevil, the site is not in an isolated location. Thus, the references to the re-use of redundant or disused buildings in Core Policy 48, and in paragraph 84 c) of the National Planning Policy Framework (the Framework), do not provide support for the change of use.
16. It follows from the above that the site does not provide a suitable location for residential development, having particular regard to the settlement strategy for the area. The change of use conflicts with Core Policies 1, 2, and 48 of the Core Strategy, which collectively seek to, amongst other things, define where development will be the most sustainable across Wiltshire's settlements.
17. The change of use also conflicts with paragraph 8 a) of the Framework which seeks to, amongst other things, ensure that sufficient land of the right types is available in the right places.

Other Matters

18. Subsequent to appeal decision Ref APP/Y3940/W/23/3315432 and appeal decision Ref APP/Y3940/W/22/3299162, where the Inspectors found in each case that paragraph 11 d) ii. of the Framework was engaged, the Council has now asserted that, following updates to the Framework in December 2023, paragraph 77 of the Framework is applicable. This is due to the Council having an emerging local plan which has now passed Regulation 19 stage. This has not been disputed by the appellant. Consequently, paragraph 11 d) of the Framework is not engaged.
19. I have had regard to the examples of planning permissions referred to. The permissions relating to Sturgess Farmhouse¹ and the Annexe, The Dairy House² both related to individual buildings which were surrounded by a cluster of other buildings, with the Annexe being used as an ancillary annexe to the main house rather than as a holiday let. The Council has asserted, and this has not been disputed by the appellant, that the permission relating to The Manor Farm House³ involved an important material consideration in the form of the application of paragraph 11 d) ii. of the Framework, which is not the case in this appeal. Therefore, none of these permissions are directly relevant to the change of use under consideration in this appeal. Hence, these examples do not change my findings on the main issue above.
20. Appeal decision Ref APP/K3415/W/17/3192163 involved a determination against the specific requirements of Lichfield District Council's development plan, including the exception for development in the remaining rural areas with reference to bullet point 3 of Local Plan Strategy Core Policy 6. As such, the policy context is different to that involved in this appeal. Thus, that appeal decision does not change my findings on the main issue above.

¹ Local Planning Authority reference: 17/04537/VAR

² Local Planning Authority reference: 18/05494/VAR

³ Local Planning Authority reference: PL/2022/01492

Other Considerations

21. The change of use conflicts with an up-to-date development plan. In these circumstances, paragraph 12 of the Framework advises that planning permission should not usually be granted. This is reinforced by paragraph 15 of the Framework which provides that, amongst other things, the planning system should be genuinely plan-led. Nevertheless, other material considerations may indicate that the plan should not be followed.

Benefits of the change of use

22. The appellant has referred to a 2023 Housing Land Supply Statement and to Briefing Note No. 22-09⁴, which both refer to historic shortfalls in housing land supply. However, the Council is presently meeting the requirements of national planning policy in this respect. Of particular relevance in this regard is that the Council is in the 'no consequences' category in the latest Housing Delivery Test results. The housing requirement as set out in the Core Strategy does not represent a ceiling, but even so, the change of use, relating to one building only, does not provide a significant uplift to the housing stock of the local area. Consequently, it provides a limited contribution to meeting the aims of Core Policy 15 of the Core Strategy, which details the housing requirements for the Melksham Community Area.
23. Similarly, the contribution of the change of use, as one dwelling only, over the long-term to the economic vitality and community life of the local and wider area is likely limited. Quantifiable evidence has not been presented to demonstrate otherwise. The scheme under consideration in appeal decision Ref APP/Y3940/W/22/3299162, related to 4 dwellings, with consequently greater positive impacts in these respects. That appeal decision accordingly does not alter my findings.
24. The site is located within walking distance of the services and facilities available in Keevil, although as Keevil is a Small Village, these are very limited in number and include a post office, a primary school, and a church. It is important to note that paragraph 4.16 of the Core Strategy provides that, amongst other things, any development at Small Villages will be carefully managed by Core Policy 2 and the other relevant policies of the Core Strategy.
25. The provision of cycle storage and electric vehicle charging points on site would enable the use of sustainable modes of transport. However, the path set out by the Government for all new cars to be zero emission is a multi-year in nature, and their use cannot be mandated at this time. In any event, I have not been provided with quantifiable evidence in relation to the vehicle movements generated by the change of use, as opposed to its use as a holiday let. Accordingly, it has not been demonstrated that the change of use necessarily involves a similar or a lesser level of vehicle movements than its use as a holiday let.
26. Taking account of the very limited services and facilities available in Keevil, referred to above, in all likelihood the usage of the building as a permanent residential dwelling over the long-term would generate numerous trips via private vehicles over the course of a typical month, to enable even basic day-to-day needs to be met, including trips to shopping and employment

⁴ 5 Year Housing Land Supply and Housing Delivery Test: Briefing Note No. 22-09 (April 2022) (Wiltshire Council)

destinations. It has not therefore been demonstrated that the change of use provides any meaningful benefits with respect to the promotion of sustainable transport.

27. Whether flexible working arrangements and home working would be used by any future occupiers of the building depends on a variety of factors, including an element of personal choice. No details have been provided in relation to the destinations served or the frequency of the bus services mentioned (including bus services 76 and 77), and accordingly the presence of these bus services does not alter my findings.
28. Taking all of the above into account, the collective benefits of the change of use are not significant in planning terms.

Personal circumstances

29. I have taken account of the submitted evidence regarding the personal circumstances of Ms Austin, in relation to rights under Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998 (as amended). I have also considered this evidence in relation to the aims of the Public Sector Equality Duty set out in the Equality Act 2010 (as amended), in relation to the relevant protected characteristics. For reasons of privacy I will not set out the evidence here but nevertheless I find it to be compelling. I note that the evidence is not disputed by the Council.
30. Given the personal circumstances cited, the dismissal of this appeal would involve a disproportionate interference with the appellant's rights under Article 8, and would not advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it with respect to s149(1)(b) of the Equality Act 2010 (as amended).
31. In this regard, I agree to the main parties' suggestion that a temporary personal planning permission would be appropriate. This would ensure that any interference with the appellant's rights under Article 8 is proportionate to the legitimate aim of ensuring that the planning system should be genuinely planned. It would also ensure that any adverse impacts in relation to the protected characteristics identified are the minimum necessary.

Planning Balance

32. It follows from the above that the collective benefits of the change of use attract little weight in support of it.
33. The personal circumstances involved in this case however amount to very significant weight in support of the change of use operating for a temporary period. The personal circumstances alone clearly outweigh the moderate weight which I consider should be given to the change of use's conflict with the relevant development plan policies.
34. Therefore, as a matter of planning judgement I find that the personal circumstances involved in this case indicate that the appeal must be determined otherwise than in accordance with the development plan.

Conditions

35. I have had regard to the conditions suggested by the Council. I have considered them against the advice on conditions set out in the Framework and the Planning Practice Guidance (PPG).
36. A condition is necessary specifying the approved plans, to provide certainty with respect to the change of use applied for (condition 1).
37. The PPG provides that planning permission usually runs with the land and it is rarely appropriate to provide otherwise⁵. However, the PPG also provides that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission⁶.
38. Due to the personal circumstances mentioned above, this appeal involves exceptional circumstances. As such, a planning condition ensuring that the change of use would operate on a temporary basis for the benefit of a named individual is both reasonable and necessary (condition 2). The Council's suggested wording has been amended in the interests of precision. There is no suggestion within the evidence that a carer would live on site permanently, and as the imposed condition would not preclude visits for care purposes, it is not necessary for a carer to be mentioned within the imposed condition.
39. A condition is necessary requiring that no obstructions are placed within the visibility splay (condition 3), in the interests of highway safety.
40. A condition is necessary removing the permitted development right under Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), to safeguard the rural character and appearance of the area in relation to the building on site which is clearly visible from the road (condition 4).
41. As the change of use has been carried out I have omitted the standard time limit condition, as this is no longer necessary.

Conclusion

42. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

⁵ Paragraph 21a-015-20140306

⁶ Paragraph 21a-015-20140306

Conditions Schedule

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), Plan (Drawing No. 10), Elevations (Drawing No. 11), Site Plan (Drawing No. 12), Site Block Plan (Drawing No. 13).
- 2) The use hereby permitted shall be carried on only by Ms. Valerie Austin. When the premises cease to be occupied by Ms. Valerie Austin, the use hereby permitted shall cease within 3 months of the cessation of such occupation and the use shall revert back to its lawful use as a holiday let.
- 3) The visibility splays as shown on the approved plans shall be provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level and shall be maintained free of obstruction at all times thereafter.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development otherwise permitted by Class AA of Part 1 of Schedule 2 of that Order shall be carried out on the site.

End of Conditions Schedule

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Appeal Decision

Site visit made on 27 February 2024

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal Ref: APP/Y3940/W/23/3327611

Former Sewage Works, Church Fields, Upper South Wraxall, Wiltshire BA15 2SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs J. Leggatt against the decision of Wiltshire Council.
 - The application Ref is PL/2023/01565.
 - The development proposed is erection of a dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken the comments received into account. I have had regard to the December 2023 version of the Framework in my decision.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - whether the site would provide a suitable location for residential development, having particular regard to the settlement strategy for the area and its accessibility by sustainable forms of transport; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether Inappropriate Development

4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate development. There are however a limited number of exceptions to this. The main parties have focussed on paragraph 154 g) of the Framework which relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a

- greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
5. As the proposed development does not relate to affordable housing, the second limb of paragraph 154 g), mentioned above, is not applicable. It is common ground between the main parties that the appeal site constitutes previously developed land. This is consistent with my observations. The first limb of paragraph 154 g) must therefore be considered.
 6. The Planning Practice Guidance advises that openness is capable of having both spatial and visual aspects¹. In relation to this, I observed that whilst remnants of the former sewage works are visible on site, much of the site appeared vacant, with the visible parts of the former circular tank and the area of hardstanding not significantly diminishing the open nature of the site when seen as a whole.
 7. The proposed development would introduce a 1 and a half storey new dwelling on site. Although it would be set-back from the carriageway and accordingly would not have a significant impact on the street scene, views of the proposed new dwelling would be possible from the road from which the site is accessed due to its position at the end of a linear accessway.
 8. In this location, although it would be seen in the context of the built environment of the village, it would nevertheless obstruct a substantial portion of the partially open view towards the field to the rear of the site, when seen from the carriageway. Additionally, it would be visible from some of the rear garden areas of the dwellings present to the south-west of the site, and from the upper-floor windows of 8 Church Fields. Accordingly, due to its bulk and massing, it would appear as a conspicuous feature and would greatly reduce the open nature of the site in visual terms when seen from these viewpoints available from within nearby residential plots.
 9. Although the proposed new dwelling would have a smaller total footprint and would be more contained in one part of the site than the existing structures on site, due to its height and scale it would take up considerably more space above-ground than the existing structures on site. The proposed cycle shed, and the vehicles likely to be occasionally parked on site, would further reduce the openness of the Green Belt in spatial terms.
 10. Taking account of the case law referred to², it is clear that the proposed development would have a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing development. Hence, it would not benefit from the exception to inappropriate development found at paragraph 154 g).
 11. I note that previously a garage structure was present on site. Nevertheless, this appeal decision is based on the currently prevailing circumstances. As such, this matter does not change my findings above.

¹ Paragraph 64-001-20190722

² *Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489; *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin)

12. Mention has also been made of paragraph 154 e) of the Framework, which relates to limited infilling in villages. There is however an absence of built development to the east of the site, meaning that the site would not constitute 'infilling'. The proposed development does not therefore benefit from the exception to inappropriate development found at paragraph 154 e).
13. The proposed development would therefore constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Suitable Location

14. The site is located outside of the defined limits of development as specified in the development plan. Core Policy 2 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) provides that, amongst other things, other than in circumstances as permitted by other policies within the Core Strategy, identified in paragraph 4.25 of the Core Strategy, development will not be permitted outside the limits of development.
15. The proposed development would not fall within any of the 'exception policies' referred to at paragraph 4.25 of the Core Strategy (which includes Core Policy 48 of the Core Strategy, which seeks to, amongst other things, support rural life). The proposed development would therefore conflict with Core Policy 2 of the Core Strategy.
16. The appellant has highlighted the key services and facilities available in Upper South Wraxall, which include a public house, a church, a village hall, and an active social club. Considering this very limited range of services and facilities, the future occupiers of the proposed new dwelling would likely be required to travel beyond Upper South Wraxall to reach the services and facilities required to meet their day-to-day needs, including those required for shopping, healthcare, education, and employment.
17. Some of these needs could be met at Bradford-on-Avon. However, the appellant has mentioned that bus service No 96 towards Bradford-on-Avon only runs 4 times per day. In all likelihood, then, there would be a number of journeys required across a typical week for which bus services would not be available for the future occupiers of the proposed new dwelling. The common lack of street lighting and cycle lanes in the vicinity of the site would likely make cycling an unattractive option for travel to Bradford-on-Avon, particularly during the winter.
18. As few details have been provided to illustrate the frequency of services provided or the approximate length of journeys for the train services available from Bradford-on-Avon to larger towns and cities, the extent to which the future occupiers of the proposed new dwelling would be likely to use these train services is unclear. The evidence does not demonstrate that these train services run in the early morning or the evening. This could potentially limit their usage with respect to accessing employment, or entertainment in the evening, for example. It is not my role to speculate on these matters.
19. Hence, whilst I have taken account of the proposed development type and its location, as required by paragraph 114 a) of the Framework, the future occupiers of the proposed new dwelling would likely be reliant on the use of private vehicles to access many of their essential day-to-day needs. The use of

internet shopping, including for groceries, is a matter of personal choice and circumstances and as such is not a factor which changes my findings on this main issue.

20. I therefore find that the site would not provide a suitable location for residential development, having particular regard to the settlement strategy for the area and its accessibility by sustainable forms of transport. The proposed development would conflict with Core Policy 2 of the Core Strategy, which has been summarised above, and with Core Policy 1 of the Core Strategy, which, amongst other things, identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire, and by extension with Core Policy 7 of the Core Strategy which provides that, amongst other things, development in the Bradford-on-Avon Community Area should be in accordance with the settlement strategy set out in Core Policy 1 of the Core Strategy.
21. The proposed development would also conflict with chapter 9 of the Framework which seeks to, amongst other things, promote sustainable transport.

Other Considerations

22. The Framework makes it clear at paragraph 153 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. The proposed development would support the Government's objective of significantly boosting the supply of homes (mentioned at paragraph 60 of the Framework) and would in principle make an effective use of previously developed land, via the provision of one new dwelling on site. In this regard, I am mindful of paragraph 70 of the Framework which provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
24. As the site would not provide a suitable location for residential development, paragraphs 70 d) and 124 c) of the Framework, which refer to the development of suitable windfall / brownfield sites, do not provide support for the proposed development. The proposed development would however promote and support the development of under-utilised land (mentioned at paragraph 124 d) of the Framework).
25. The proposed development would provide work for construction professionals. The future occupiers of the proposed new dwelling would likely provide economic contributions to local services and facilities, and to the Council's revenue via the payment of Council Tax. The future occupiers would also be likely to contribute towards the community life of the area, including potentially to The South Wraxall Club.
26. The proposed development would utilise renewable energy, in the form of a ground source heat pump. Although biodiversity enhancement measures are specified in the submitted Preliminary Ecological Appraisal and Extended Protected Species Surveys report, it does not indicate that the proposed

development would result in a biodiversity net gain of any significance. I have not been provided with technical evidence which indicates otherwise.

27. The above-mentioned benefits of the proposed development, including its contribution to the vitality of rural communities and nearby villages (mentioned at paragraph 83 of the Framework) would be constrained by the very limited quantum of development proposed, of one new dwelling only. Moreover, the Council is currently meeting the Framework's requirements with respect to the supply of deliverable housing sites and the latest Housing Delivery Test results record the Council as being in the 'no consequences' category. Little weight is therefore given to the other considerations in support of the proposed development.
28. I have had regard to appeal decision Ref APP/Y3940/W/22/3298668. The Inspector's observation in that appeal decision that the provision of 5 dwellings would provide a limited contribution to housing supply is not a matter which alters my findings above.

Other Matters

29. The site is situated within the South/Lower South Wraxall Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
30. The significance of the conservation area, as a whole, as a designated heritage asset is derived predominantly from its historic village character, which includes numerous historic buildings, including St James' Church and The Longs Arms public house, which exhibit traditional materials and architectural designs which are in-keeping with the conservation area's rural setting. The conservation area includes large areas of undeveloped land, including the field to the rear of the site, which also contributes to its rural character which forms part of the significance of the conservation area.
31. The site is located outside of the historic core of the village, and its contribution to the significance of the conservation area derives in part from its mostly undeveloped character which adds to the sense of spaciousness and rural ambience found within the conservation area as a whole.
32. The design of the proposed new dwelling would be in-keeping with the traditional designs found elsewhere in the conservation area, and the chosen materials would be appropriate in their context. However, the introduction of a single new dwelling on this small site in an edge-of-settlement location would have a very limited impact on the character and appearance of the conservation area as a whole.
33. Consequently, although the currently neglected site would be developed, the proposed development would merely preserve the character and appearance of the conservation area. The lack of adverse impacts on its significance as a designated heritage asset is a neutral factor, which does not weigh in favour of the proposed development.
34. The proposed development would formalise the site, which is currently rather unkempt in appearance. Nevertheless, as the proposed new dwelling would be

set-back some distance from the carriageway at the end of an access drive, its impact on the appearance of street scene would be slight. As the proposed development would merely maintain the character and appearance of the area, this is a neutral factor.

35. As mentioned on the second main issue above, the proposed development would not fall within any of the development types listed in Core Policy 48 of the Core Strategy, which seeks to, amongst other things, support rural life. As this policy does not support the proposed development, this is also a neutral factor.
36. The site is located close to residential development on Church Fields. As the site is not in an isolated location, the 5 exceptions listed under paragraph 84 of the Framework are not applicable to the proposed development, and they do not provide support for it.
37. The Council has an emerging local plan that has passed Regulation 19 stage. As such, paragraph 77 of the Framework is applicable, which requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 4 years' worth of housing. As the Council is meeting this requirement, paragraph 11 d) of the Framework, which relates to circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, is not engaged.

Balancing of Considerations

38. The proposed development would be inappropriate development in the Green Belt and would result in a reduction in its openness. These matters attract substantial weight. Additionally, the site would not provide a suitable location for residential development, in the terms described above, which considering the limited quantum of development proposed, is a matter to which I accord no more than moderate weight.
39. The other considerations, summarised above, amount to little weight in support of the proposed development. They do not clearly outweigh the harms identified. Thus, the very special circumstances required to justify the proposed development do not exist.
40. The proposed development's conflict with the relevant paragraphs of the Framework relating to the protection of Green Belt land means that the proposed development would undermine the purpose of the Green Belt in terms of its assistance in safeguarding the countryside from encroachment, in conflict with paragraph 143 c) of the Framework.
41. As mentioned on the second main issue above, the proposed development would conflict with Core Policies 1, 2, and 7 of the Core Strategy which collectively set out the settlement strategy for the area. The other considerations in this case, which include the provisions of the Framework, do not indicate that the appeal must be determined otherwise than in accordance with the development plan.

Conclusion

42. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

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Appeal Decision

Site visit made on 9 April 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/Y3940/W/23/3324932

Land adjoining 1 Lamberts Marsh, Southwick, Trowbridge BA14 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Oliver Warren against the decision of Wiltshire Council.
 - The application Ref is PL/2023/03701.
 - The development proposed is the erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a maximum of one dwelling at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Order and the PPG.
5. An indicative site plan showing the potential layout of the proposed dwelling was submitted with this appeal. I have had regard to it only insofar as it illustrates how development could take place.
6. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. Main parties have had the opportunity to provide commentary on the implications of the revised Framework on the appeal proposal and I have considered the comments received. Where references are made to the Framework in this decision, they relate to the December 2023 version unless otherwise specified.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

8. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 15 of the Framework further emphasises that the planning system should be genuinely plan-led.
9. The development plan for the area includes the Wiltshire Core Strategy (adopted 2015) (the Core Strategy) and the Southwick Neighbourhood Development Plan (Made 2021) (the SNDP).
10. The appeal site forms part of an island of land situated between Blind Lane and Wesley Lane, at the edge of the village of Southwick. The appeal site is closely related to existing built form, with a dwelling already located on the island adjacent to the appeal site. A significant amount of housing is also located opposite the site to the other side of Blind Lane, whilst to the west largely lies rural countryside albeit interspersed with a small number of dwellings.
11. Despite the close presence of built form, the appeal site lies adjacent to but outside the settlement boundary for Southwick. It is therefore deemed to be in the 'open countryside' under development plan policy.
12. The spatial strategy for the location of housing in the area is outlined under Core Policies 1 and 2 of the Core Strategy. Core Policy 1 identifies four tiers of settlements where sustainable development is to take place (Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages). Although Southwick is identified as a Large Village under Core Policy 1, as indicated, the site lies outside the settlement boundary for the village.
13. Core Policy 2 of the Core Strategy states that outside the defined limits of development, other than in circumstances permitted by other policies in the plan (identified at paragraph 4.25), development will not be permitted. The appeal scheme does not adhere to any of the exceptions outlined.
14. Meanwhile, Core Policy 29 of the Core Strategy sets out the intended growth strategy for the Trowbridge Community Area (TCA), that the appeal site also falls within. Amongst other matters, the policy highlights that approximately 165 homes will be provided outside of allocated sites in the TCA, over the plan period, in accordance with Core Policies 1 and 2.
15. The SNDP has also allocated housing sites to address the local housing requirements for Southwick, but the appeal site is not part of an allocation.
16. Southwick does have a limited range of facilities and services, including a primary school, shop, public house, and bus stop. Furthermore, there are pavements within very near vicinity of the appeal site that extend throughout much of the village and would provide suitable walking opportunities to such services for any future residents of the proposal. Indeed, the opportunity to

access facilities and services by sustainable means from the site is much the same as many existing properties nearby within the village boundary.

17. I am also satisfied that, in principle, the scale of the appeal site could suitably accommodate a single residential dwelling.
18. Nevertheless, it remains that the site is outside the defined limits of development for the village and the appeal scheme conflicts with Core Strategy Policies CP1, CP2 and CP29, in so far as these policies establish a strategy for the distribution of development across the plan area. Accordingly, having regard to the relevant provisions of the development plan, the site does not represent a suitable location for the proposed residential development.
19. Although quoted on the Council's decision notice, the proposal is not contrary to Policies 5a or 5b of the SNDP, as these policies specifically relate to development taking place at relevant allocated sites. However, whilst not quoted on the Council's decision notice, Policy 6 of the SNDP has been brought to my attention and I find that the proposal is also contrary to this policy. Policy 6 relates to proposals for additional housing development beyond the allocated sites in the SNDP. Amongst other matters, Policy 6 sets out that such development should not be permitted in the open countryside, unless it is permitted by an exception within the Core Strategy.

Other Matters

20. The principle of a dwelling on this site has not been deemed to result in harm to the character or appearance of the area. However, this is to be expected of new development and therefore does not overcome the conflict with the development plan policies highlighted above.
21. A site has been allocated within the SNDP at Land off Wesley Lane. This is to the west of the appeal site and also lies outside of the limits of development for Southwick. I understand that there has also been a subsequent planning application made seeking to progress development at that site. Whilst development at Land off Wesley Lane may result in built form encroaching further beyond the settlement boundary than the current appeal scheme, and have an urbanising effect, it does not alter the settlement boundary for Southwick. Furthermore, unlike the appeal proposal, that neighbouring site has been considered and allocated for development through a plan led process.
22. The Council has an emerging local plan that has now passed the Regulation 19 stage, which contains both a policies map and proposed allocations towards meeting its housing need. As such, by virtue of Paragraphs 77 and 226 of the revised Framework, the Council need only to demonstrate a four-year supply of deliverable housing sites.
23. The Council states that it can demonstrate a 4.60 year housing land supply, while there is no robust evidence before me to dispute this figure. Consequently, I find paragraph 11d) of the Framework is not engaged.
24. Notably, the Framework's policies are material considerations which should be taken into account in dealing with applications from the day of its publication. Indeed, Paragraph 226 specifically highlights that from the date of publication of the revised Framework, for decision-making purposes, certain local planning authorities will only be required to identify and update a supply of specific

- deliverable sites sufficient to provide a minimum of four years' worth of housing.
25. The appellant has referred to the transitional arrangements outlined at footnote 79 of the Framework. However, the footnote is clear that the transitional arrangements are an exception and only apply to the provisions of paragraph 76 of the Framework¹ and the related reference at footnote 8, which are not relevant in this instance.
26. I also note the appellant has provided a copy of an appeal decision², that further discusses the revised Framework's transitional arrangements. That appeal decision suggests that the change to only a 4-year housing land supply should only be taken into account as a material consideration when dealing with applications made on or after the publication of the latest version of the Framework. However, based on my own reading of the Framework, I do not agree with this finding. I also note that such interpretations of the transitional arrangements were also not reached by other Inspector's highlighted in appeal decisions referred to by the Council³.
27. Whilst I find Paragraph 11d) of the Framework is not applicable, the proposed development would nonetheless provide some socio-economic benefits associated with the construction and subsequent delivery of a dwelling. Such benefits would include a very minor contribution towards the Council's housing land supply position. However, given the proposal involves only a single dwelling such benefits would be very limited and would not outweigh the harm arising from the proposal's conflict with the plan led spatial strategy.
28. In determining the original application, as part of its planning balance, the Council applied Paragraph 14 of the previous iteration of the Framework as it deemed all of its relevant criteria to apply. Subsequently, the requirements of Paragraph 14 have since been amended as part of the revised Framework, while main parties dispute whether it is applicable to the appeal scheme. Even if the appellant is correct that the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement, it remains that Framework Paragraph 14 is not relevant to the appeal given that Paragraph 11d of the Framework is not engaged.
29. Reference has also been made by the appellant to permissions in principle that have been granted for single dwellings located outside settlement boundaries within the authority area. I do not have the full background details of the cases cited. However, from the information before me these decisions benefited from the 'tilted balance' under paragraph 11d) of the Framework, whilst Paragraph 14 of the Framework was seemingly not relevant to those cases. As such, there appears to have been material differences in the policy circumstances of the decisions referred to compared to the appeal scheme.

¹ Namely, not requiring local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if a) their adopted plan is less than five years old; and b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

² Appeal Reference: APP/L3815/W/23/3319434 Land off Main Road, Birdham PO20 7DR

³ Appeal Ref: APP/Y3940/W/23/3329064 Land South of Pound Lane, Semington; and Appeal Ref: APP/Y3940/W/23/3324436 15 Folly Lane, Warminster, Wiltshire BA12 8EA

30. There is dispute between the main parties as to whether the allocations within the SNDP meet the local housing requirements for the village over the plan period. Notwithstanding that the SNDP was relatively recently Made, the appellant highlights that as part of the Wiltshire Local Plan Review (the LPR), the baseline indicative housing requirement for the village of Southwick (from 2016 – 2036) is in the region of 85 dwellings. When taking account of commitments and recent completions, the appellant therefore suggests that there is a significant shortfall in the supply of dwellings in the area to meet this housing need.
31. However, the LPR has yet to be submitted for examination and remains at a relatively early stage of preparation. As such, these figures have not yet been verified. Additionally, the Council's 'Local Plan Empowering Rural Communities' Paper (January 2021) continues to promote a plan led approach to addressing such housing needs, including the potential need for reviews of neighbourhood plans and further allocations of sites. I therefore give the appellant's argument on the indicative housing requirement for the village little weight and my decision does not turn on this matter.
32. The Council has previously prepared a Briefing Note (No. 22-09, April 2022), which includes details of how it will seek to restore a five-year housing land supply. From the evidence before me, it is unclear whether the Briefing Note went through a formal review or any consultation process. Additionally, given its age and the changes in planning policy context since the Briefing Note was prepared, I find it attracts very limited weight and again does not alter my findings on the appeal proposal.
33. Finally, I note the appellant's frustrations in the manner in which the Local Planning Authority dealt with the original application, however, the appeal has been determined on its own merits.

Conclusion

34. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR

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WILTSHIRE COUNCIL

AGENDA ITEM NO.

WESTERN AREA PLANNING COMMITTEE

5 JUNE 2024

Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley – Application no.2021/01TVG

Purpose of Report

1. To consider the evidence submitted regarding an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land known as Northfield Playing Field, Winsley, as a Town or Village Green (TVG) (Application no.2021/01TVG), in order to determine the application.

Relevance to the Council's Business Plan

2. Working with the local community to provide a countryside access network fit for purpose, making Wiltshire an even better place to live, work and visit.

Location Plan

3. Please see **Appendix 1**.

Application Plan

4. Please see **Appendix 2**.

Photographs

5. Please see **Appendix 3**.

Aerial Photographs

6. Please see **Appendix 4**.

Applicant

7. Winsley Parish Council
C/O Ms S Jobson – Clerk
■ Tynning Road
Winsley
Wiltshire BA15 2■

Registered Landowner

8. BK Land and Estates Ltd
C/O Mr M Bandaru
Walker Road
Maidenhead
Berkshire SL6 2

Legal Empowerment

9. Under the Commons Registration Act 1965, Wiltshire Council is now charged with maintaining the register of TVG's and determining applications to register new greens. The application to register land at Northfield Playing Field, Winsley, has been made under Sections 15(1) and (2) of the Commons Act 2006, which amended the criteria for the registration of greens (please see Section 15 of the Commons Act at **Appendix 5**):

“15. Registration of greens

- (1) *Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.*
- (2) *This subsection applies where-*
- (a) *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*
- (b) *they continue to do so at the time of application.”*

10. Also attached at **Appendix 5** are the relevant regulations and guidance for the processing of applications:
- i) The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007.
- ii) DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016.

Background

11. Wiltshire Council, as the Commons Registration Authority (CRA), is in receipt of an application to register land known as Northfield Playing Field, in the parish of Winsley, as a TVG, under Section 15(1) of the Commons Act 2006, dated 1 March 2021 and received by the CRA on the same date. Upon consultation with the planning authorities regarding the existence of planning trigger events in place over the land, there were found to be none which would extinguish the right to apply to register the whole, or any part of the land, as a

TVG and as a result the application was accepted on 23 April 2021 and allotted application no.2020/02TVG (Form 6). Planning “trigger” and “terminating” events are considered in more detail later in this report.

12. The application was also made under Section 15(2) of the Act, i.e. where it is claimed that a significant number of 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 continue to do so at the time of application.
13. Part 7 of the application form requires the applicant to provide a summary of the case for registration:

Summary: Winsley Parish Council can demonstrate that the playing field at the end of Northfield has been used by a significant number of local people in lawful pastimes ‘as of right’ on the land for well over 20 years. The land has been used continuously as a recreation field since the 1960’s and continues to be well used and valued by Winsley residents.

Description: The piece of land at the end of Northfield was created when the Tynning estate was built in the mid-1960’s. The land is 0.46 acres and can be accessed from Northfield or from Winsley bypass (B3108). Its location within the Tynning estate makes it easily accessible to many residents and families (Exhibits A, B1-3, C). Winsley is a large village of over 1,500 residents, including many young families. Within the Tynning estate there exist two amenity spaces; the White Horse Road play park and the Northfield playing field. Both areas are maintained by the Parish Council, extensively used by local families and residents and are valued by the Winsley community.

Current use: The playing field’s current use as an important recreational facility is clearly demonstrated by the two goal posts and the slightly muddy state of the pitch which shows that significant use is made of this field by local children (evidence D). The Parish Council replaced the old goalpost with two new goalposts in 2020 following requests from some local families (evidence E). The Council received positive feedback from many families in response to this. The recent Covid restrictions have highlighted the importance of maintaining and retaining these local, accessible green spaces.

Use since the 1960’s: Northfield playing field has been used by residents since the 1960’s and a number of statements from residents illustrate this (evidence G). There has been a perception amongst councillors and residents that this field belonged to the Parish Council, and it has been maintained and used as such. A number of previous councillors have suggested that documentation exists from when the estate was built, or shortly afterwards, that confirms the land’s designation for recreational use, and the Parish Council’s responsibility for its maintenance. Such evidence is being looked for

by Wiltshire Council officers, in materials archived by Winsley Parish Council and by past councillors. The land was discussed when the exact route of the 'Winsley bypass' (B3108) was being confirmed as this area could have been impacted. In the end, the bypass took a wider route and the land remained as a playing field. Minutes from 1991 refer to this and state the Parish Council's interest in the land (evidence F). The same Minutes also refer to children playing golf on the field!

Maintenance: *The Parish Council is able to provide evidence of the maintenance regimes of the playing field since the 1990's (evidence H). Anecdotal evidence from past councillors makes it clear that the Parish Council has always been involved in the maintenance of the field to enable its recreational use by residents. It is reported by a previous parish councillor that the first goalpost in the field was installed by the Parish Council in the mid-1970's and evidence is being sought to show this. A Google map from 2009 shows a goalpost in place at this time (evidence I).*

Protection of the playing field: *The land is within the Green Belt (Exhibit B3), is outside the Winsley Settlement Boundary (Exhibit B2) and is within a C3 Special Landscape Area. The Parish Council and residents are seeking Village Green Status to add further protection to this land and ensure its use as a recreational area continues for future generations of the village."*

14. The application was supported by written statements from 29 parties and 124 completed witness evidence questionnaires, (joint statements and jointly completed questionnaires are counted as one).
15. The parish of Winsley is located in west Wiltshire, to the west of Bradford-on-Avon. The application land is located at Northfield on the Tynings Estate at the centre of Winsley village, (please see Application Plan at **Appendix 2** and Photographs of Application Land at **Appendix 3**). The area is laid to grass, now fenced on all sides, with properties located directly to the south and east. The land adjoins an area of land against the B3108 Winsley Bypass, separated from that land by a fence, on its northern side. The evidence suggests that the site was formerly open to the highway and footway Northfield, on its west side; however, this was fenced from July 2021 with a padlocked gate.

Right to Apply

16. The Growth and Infrastructure Act 2013 introduced a series of provisions to make it more difficult to register land as a TVG. This included, at Section 16, the insertion into the Commons Act 2006, of Section 15C "Registration of greens: exclusions", i.e. the removal of the "right to apply" to register land as a TVG where specific planning "trigger" events have occurred in relation to the land, for example, where the land is subject to an application for planning

permission, or the land is included in a draft development plan, or development plan document, which identifies the land for potential development. The right to apply is revived where a corresponding “terminating event” has taken place, (a full list of planning trigger and terminating events is included at Schedule 1A of the Commons Act 2006, as added by Section 16 of the Growth and Infrastructure Act 2013 as amended to extend the list of events).

17. This alters the way in which the CRA deals with new applications to register land as a TVG. DEFRA has issued interim guidance to Registration Authorities and has recommended that upon receipt of an application the CRA should write to the local planning authorities and the Planning Inspectorate, enclosing the application map, to seek confirmation of whether or not there are planning trigger/terminating events in place in relation to all or part of the application land (DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016 – see **Appendix 5**).
18. In the Winsley case, as per the guidance, the CRA wrote to the Planning Inspectorate; Spatial Planning and Development Control at Wiltshire Council shortly after receipt of the Application, on 3 March 2021, using the letter template set out within the DEFRA guidance, including a map of the application land and links to the list of trigger and terminating events, as amended. The Planning Authorities confirmed that there were no planning trigger or terminating events in place on the land, (see planning trigger event consultation replies at **Appendix 6**) and the application was accepted in full on 23 April 2021 and Form 6 issued allotting the application no. 2021/01TVG.
19. The landowner and Objector, Mr M Bandaru, on behalf of BK Land and Estates Ltd (BKLE), writes in his holding objection e-mail dated 30 December 2021 – *“From my initial review of the application, I do believe that there may be a possibility that one of the ‘trigger’ events in the legislation may apply, thereby preventing the application from being submitted.”*, however, this is not pursued in the Objection Statement dated 12 February 2022 by Rowena Meager of No. 5 Barristers Chambers on behalf of BK Land and Estates Ltd. (see holding objection and full objections at **Appendices 7 and 10**).

Validity of Application

20. The Regulations, (**Appendix 5**), at parts 3 and 10, set out the requirements of a valid application. Where an application is found not to be in order, under Regulation 5(4) the CRA must not reject the application without allowing the Applicant reasonable opportunity of putting the application in order. Upon examination of the application, it was found to be flawed; however, the CRA considered that the Applicant should be given a reasonable opportunity to put

the application in order, the CRA therefore returned Form 44; the statutory declaration and map exhibit, to the Applicant on 25 June 2021, as follows:

- 1) *At Regulation 3(2)(b) it is stated that the application must “be signed by every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or unincorporate...” At part 12 of Form 44, I note that the application is not signed and dated, I would be very grateful if you could arrange for Form 44 to be signed in accordance with note 12.*

- 2) *At Regulation 3(2)(c) it is stated that the application must be “accompanied by, or by a copy or sufficient abstract of, every document relating to the matter which the applicant has in his possession or under his control, or to which he has a right to production...” and at 3(2)(d)(ii) the application must be supported “by such further evidence as, at any time before finally disposing of the application, the registration authority may reasonably require.”*
Where the Parish Council has added evidence to the application since receipt of the original Form 44 and statutory declaration, it may be preferable to add a reference to the additional documents at 10, to be witnessed by the Solicitor, so that it is clear that the additional evidence forms part of the application.

- 3) *At Regulation 10(3)(b) it is stated that “Any Ordnance map accompanying an application must –*
(b) be marked as an exhibit to the statutory declaration in support of the application...” (my emphasis added).
At the end of the Statutory Declaration it is stated “Reminder to Officer taking declaration – Please initial all alterations and mark any map as an exhibit.”
I would therefore be very grateful if the maps could be labelled as “Exhibits” A, B, C etc as per the regulations and witnessed by the Solicitor.

- 4) *At Regulation 10(2)(a) it is stated that the “Land must be described for the purposes of the application –*
(a) by an Ordnance Survey map accompanying the application and referred to in that application...” (my emphasis added).
I note that there is no reference to the maps in the main application Form 44. I would be very grateful if you could add reference to the maps as “Exhibits” at questions 5, 6 and 10 of the application form, so that the extent of the application land and the identified locality are clear.

Where there are changes to the application and statutory declaration required, it will be necessary for these amendments to be witnessed and initialled by the Solicitor.”

21. It is preferable for the application to be in strict compliance with the Regulations in order to remove any debate regarding the validity of the application at a later date. Wiltshire Council acknowledged safe receipt of the revised application on 11 August 2021. The revised application was checked and found to be in order on 20 September 2021.
22. The issues of timing and validity of an application were considered in a very detailed manner in case law: R (Church Commissioners for England) v Hampshire County Council and Anr and Barbara Guthrie [2014] EWCA Civ 643. It concerns a case where Mrs Barbara Guthrie had filed an application with the CRA on 30 June 2008; however, the application was defective in several respects, finally complying with all the requirements of the regulations on 20 July 2009. Lady Justice Arden giving leading judgement set out the requirements of an application and concluded:

44. Accordingly, I conclude on this issue that Regulation 5(4) provides a means for curing deficiencies in an application which does not provide all the statutory particulars, and, once an application is so cured, it is treated as duly made on the date on which the original defective application was lodged.
23. It is therefore correct to take the date on which the application was received and stamped by the CRA as the relevant date in this application, i.e. 1 March 2021, even where the application is later amended.

Public Consultation

24. Wiltshire Council served notice of the application, Form 45 dated 12 November 2021, upon the Landowner, the Applicant and interested parties, on 5 November 2021. Notice was also posted on site and placed in the Wiltshire Times on Friday 12 November 2021. The application, including the supporting evidence, was placed on public deposit at the offices of Wiltshire Council at County Hall, Trowbridge. All parties were given at least six weeks to make representation or objection regarding the application, i.e. on or before Friday 31 December 2021.
25. Following notice of the application, 2 objections were received, please see **Appendix 7** and 70 representations of support were received, please see **Appendix 8**.
26. At paragraph 6(3) of the Regulations, (see **Appendix 5**), the CRA is required to send the applicant a copy of every written statement in objection and the application must not be rejected without first giving the Applicant a reasonable opportunity of dealing with the matters contained in the statement of objection. The correspondence attached at **Appendices 7** and **8** was forwarded to the

Applicant on 4 March 2022 with opportunity for comment until 18 April 2022. The Applicants made the comments on the objections attached at **Appendix 9**.

27. These comments (with the original representations at **Appendices 7 and 8**) were forwarded to the Objectors in the interests of fairness, on 14 April 2022 with opportunity for comment until 10 June 2022. The Objectors' additional comments are attached at **Appendix 10**.
28. In summary, in its consideration of the application to register land known as Northfield Playing Field, Winsley, the CRA has considered the documents listed at **Appendix 11**. A useful chronology of the application is included here for reference:

Action	Date
Application	01/03/2021
Trigger and terminating event consultation	03/03/2021
TVG application accepted – allotted no.2021/01TVG - Form 6	23/04/2021
Application returned to applicant for putting in order	25/06/2021
Revised application received	11/08/2021
Revised application found to be in order	20/09/2021
Notice of Application – Form 45	12/11/2021
Close of notice period	31/12/2021
Objections forwarded to applicant for comment	04/03/2022
Applicants' comments on objections received	14/04/2022
Applicants' comments on objections forwarded to Objectors for comment	14/04/2022
Objectors' comments on representations received	10/06/2022

Main Considerations for the Council

29. Under Section 15(1) of the Commons Act 2006, it is possible, (where the right to apply is not extinguished), for any person to apply to the CRA to register land as a TVG and under section 15(2) where:

“(a) 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

(a) they continue to do so at the time of application.”

This is the legal test to be applied in this case, (please see legislation attached at **Appendix 5**).

30. This legal test can be broken down into a number of components, each of which must be satisfied in order for the application to succeed. It is no trivial matter for a landowner to have land registered as a green. The burden of proving that each of the statutory qualifying requirements are met, lies with the Applicant and there is no duty placed upon the CRA to further investigate the claim or reformulate the Applicant's case. The standard of proof lies in the balance of probabilities, i.e. that it is more likely than not that recreational rights for local inhabitants have been acquired.
31. This application is supported by Winsley Parish Council as the Applicant and the Wiltshire Council Member for Winsley and Westwood.
32. A detailed consideration of the evidence in this case and the legal tests for the registration of land as a TVG under Section 15(2) of the Commons Act 2006, is included at **Appendix 12**. It is considered in this case that there is serious dispute of the evidence which is likely to be resolved by appointing an independent Inspector to preside over a non-statutory public inquiry to hear oral evidence from witnesses and to produce an advisory report and recommendation to the CRA to assist in its determination of the application.

Overview and Scrutiny Engagement

33. Overview and Scrutiny Engagement is not required in this case. The Council, as the Registration Authority, must follow the statutory procedures which are set out under "The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (2007 SI no.457)" and Defra Guidance, (see **Appendix 5**).

Safeguarding Considerations

34. Considerations relating to safeguarding anyone affected by the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted under the Act. The determination of the application must be based upon the relevant evidence alone.

Public Health Implications

35. Considerations relating to the public health implications of the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted within the Act. The determination of the application must be based upon the relevant evidence alone.

Corporate Procurement Implications

36. In determining an application to register land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, there are a number of opportunities for expenditure to occur and these are considered at paragraphs 42 – 44 of this report.

Environmental and Climate Change Impact of the Proposal

37. Considerations relating to the environmental or climate change impact of the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted within the Act. The determination of the application must be based upon the relevant evidence alone.

Equalities Impact of the Proposal

38. Considerations relating to the equalities impact of the registration of the land as a TVG under Sections 15(1) and (2) of the Commons Act 2006, are not considerations permitted within the Act. The determination of the application must be based upon the relevant evidence alone.

Risk Assessment

39. Wiltshire Council has a duty, at common law, to process applications made under Section 15(1) of the Commons Act 2006 to register land as a TVG, in a fair and reasonable manner and it is open to the CRA to hold a non-statutory public inquiry to examine the evidence, in cases where there is serious dispute of the evidence, or the matter is of great local interest. The case of R (on the application of Whitmey) v Commons Commissioners [2004] EWCA Civ 951, where Arden LJ at paragraphs 28 and 29, held that:

“28...the registration authority is not empowered by statute to hold a hearing and make findings which are binding on the parties by a judicial process. There is no power to take evidence on oath or to require the disclosure of documents or to make orders as to costs (as the Commons Commissioners are able to do: section 17(4) of the 1965 Act). However, the registration authority must act reasonably. It also has power under section 111 of the Local Government Act 1972 to do acts which are calculated to facilitate, or are incidental or conducive, as to the discharge of their functions. This power would cover the institution of an inquiry in an appropriate case.

29. In order to act reasonably, the registration authority must bear in mind that its decision carries legal consequences. If it accepts the application, amendment of the register may have a significant effect on the owner of the land or indeed any person who might be held to have caused damage to a green and thus to have incurred a penalty under section 12 of the Inclosure Act 1857). (There may be other similar provisions imposing liability to offences or penalties). Likewise, if it wrongly rejects the application, the rights of the applicant will not receive the protection intended by Parliament. In cases where it is clear to the registration authority that the application or any objection to it has no substance, the course it should take will be plain. If however, that is not the case, the authority may well properly decide, pursuant to its powers under section 111 of the 1972 Act, to hold an inquiry...”

At paragraph 66 Waller L J agreed:

“66. I make these points because the registration authority has to consider both the interest of the landowner and the possible interest of the local inhabitants. That means that there should not be any presumption in favour of registration or any presumption against registration. It will mean that, in any case where there is a serious dispute, a registration authority will invariably need to appoint an independent expert to hold a public inquiry, and find the requisite facts, in order to obtain the proper advice before registration.”

40. If the Council fails to pursue its duty it is liable to complaints being submitted through the Council’s complaints procedure, potentially leading to complaints to the Local Government Ombudsman. Ultimately, a request for judicial review could be made with significant costs against the Council if it is found to have acted unlawfully.
41. In the High Court decision in the case of *Somerford Parish Council v Cheshire East Borough Council (1) and Richborough Estates (2) [2016] EWHC 619 (Admin)*, the High Court quashed the local Borough Council’s decision not to register land as a new town or village green on the basis of procedural error. The case highlights a number of practical points to note regarding privilege, equity and the importance of the Public Inquiry in determining an application to register land as a town or village green. The court’s decision also reinforces the findings in the *Whitney* case, (see paragraph 39) and the need for Registration Authorities to hold a non-statutory Public Inquiry where there are sufficient disputes over factual issues.

Financial Implications

42. Presently, there is no mechanism by which a CRA may charge the Applicant for processing an application to register land as a TVG and all costs are borne by the Council.
43. It is possible for the CRA to hold a non-statutory public inquiry into the evidence, appointing an independent Inspector to produce a report and recommendation to the determining authority. There is no clear guidance available to authorities regarding when it is appropriate to hold an inquiry; however, it is the authority's duty, at common law, to determine the application in a fair and reasonable manner and its decision is open to legal challenge, therefore a public inquiry should be held in cases where there is serious dispute of fact, or the matter is of great local interest. The responsibilities of the CRA in this regard were recognised by the justices in the Court of Appeal in the *Whitney* case, see paragraph 39 above. Even where a non-statutory public inquiry is held, there is no obligation placed upon the CRA to follow the recommendation made.
44. The cost of a 3 or 4day non-statutory public inquiry is estimated to be in the region of £15,000 - £18,000 plus VAT. In the *Winsley* case it is considered that appointing an independent Inspector to hold a non-statutory public inquiry in order to hear oral evidence from the witnesses; test the evidence through the cross-examination process and to produce a recommendation to the CRA, would assist in its determination of the application.

Legal Implications

45. If the land is successfully registered as a TVG, the landowner is able to challenge the CRA's decision by appeal to the High Court under Section 14(1)(b) of the Commons Registration Act 1965, which applies where Section (1) of the Commons Act 2006 is not yet in place, i.e. outside the pilot areas (Wiltshire is not a pilot area). Importantly, an appeal under Section 14(1)(b) of the 1965 Act is not just an appeal but enables the High Court to hold a complete re-hearing of the application and the facts of law. There is no time limit in bringing these proceedings following the registration of the land, it may be years after the decision and could lead to the de-registration of the land.
46. Alternatively, where the CRA determines not to register the land as a TVG, there is no right of appeal for the Applicant; however, the decision of the Council may be challenged through judicial review in the High Court, for which permission of the Court is required. The main grounds for application are illegality; procedural unfairness and irrationality of the decision and application to the Court must be made within three months of the decision. Likewise,

judicial review proceedings are also open to a landowner where the land is registered as a TVG.

Options Considered

47. The options available to Wiltshire Council as the CRA, are as follows:
- (i) Based on the available evidence, to register the land as a TVG where it is considered that the legal tests for the registration, as set out under Sections 15(1) and (2) of the Commons Act 2006, have been met in full over the whole of the application land, or
 - (ii) Based on the available evidence, to register the land as a TVG in part, where it is considered that the legal tests for the registration of the land, as set out under Sections 15(1) and (2) of the Commons Act 2006, have been met in full over only part of the application land, or
 - (iii) Based on the available evidence, to refuse the application where it is considered that the legal tests for the registration of the land as a TVG, as set out under Sections 15(1) and (2) of the Commons Act 2006, have not been met in full, or
 - (iv) Where, after consideration of the available evidence, it has not been possible for the CRA to determine the application, to hold a non-statutory public inquiry, appointing an independent Inspector to preside over the inquiry and examine the evidence, including the oral evidence of witnesses, in order to provide a report and recommendation to assist to the Council, as the CRA, in its determination of the application.

Reason for Proposal

48. There is a significant amount of evidence submitted in support of the application; however, the evidence of whether a significant number of inhabitants of any locality, or 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, with use continuing at the time of application, is in dispute. The application and supporting evidence are disputed by the Objectors on three main grounds, as set out in the objections of BKLE dated 12 February 2022 and 10 June 2022, (see **Appendices 7 and 10**):
- i) Locality /neighbourhood not adequately identified and therefore the Application is not duly made;
 - ii) User not 'as of right';

iii) Evidence inadequate to satisfy statutory test (which is supported by the objection of Mr B Cooper).

49. It is the duty of the CRA, at common law, to determine the application in a fair and reasonable manner. The CRA has received objections to the registration of the land as a TVG which have not been resolved. A non-statutory public inquiry is therefore considered necessary in this case because the factual evidence is strongly disputed. It is open to the CRA to appoint an independent Inspector to preside over the inquiry and produce a report with recommendation to the determining authority. Although it is open to the CRA to later reject the Inspector's report and recommendation, it can only lawfully do so if the CRA finds that the Inspector has made a significant error of fact or law. If the Inspector's recommendation is rejected, the CRA must give legally valid reasons, supported by evidence of the error of fact or law, otherwise the CRA's decision would be open to legal challenge.
50. If the CRA determines not to register the land as a TVG there is no right of appeal available to the Applicant, for example to the Secretary of State, as with a planning application. The Applicant's course for redress is by way of judicial review to the High Court. Applications of this nature focus closely on the procedure of the decision-making process. To avoid the risk of the significant costs of defending a legal challenge, it is important that the CRA adopts the proper decision-making process in dealing with this application.

Proposal

51. To appoint an independent Inspector on behalf of the Commons Registration Authority (CRA) to preside over a non-statutory public inquiry at which the evidence of all parties will be heard and tested through cross-examination, and to produce an advisory report and recommendation regarding the application to the Western Area Planning Committee to assist the CRA in its determination of the application to register land known as Northfield Playing Field, Winsley, as a Town or Village Green, as soon as is reasonably practicable.

Samantha Howell

Director Highways and Transport

Report Author:

Janice Green

Senior Definitive Map Officer

Appendices:

Appendix 1 - Location Plan

Appendix 2 – Application Plan

Appendix 3 – Photographs of Application Land

Appendix 4 – Aerial Photographs

Appendix 5 – Commons Act 2006 – Section 15

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007

DEFRA Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006 – December 2016

Appendix 6 – Planning Trigger and Terminating Event Consultation Replies

Appendix 7 – Objections (2)

Appendix 8 – Other Representations (70)

Appendix 9 – Applicant’s Comments on Objections

Appendix 10 – Objector’s Comments on Representations

Appendix 11 – Documents Relied Upon

Appendix 12 – Officers Consideration of the Legal Tests

Appendix 13 – Summary of Witness Evidence

Appendix 14 – Witness Evidence – Parish Council Maintenance

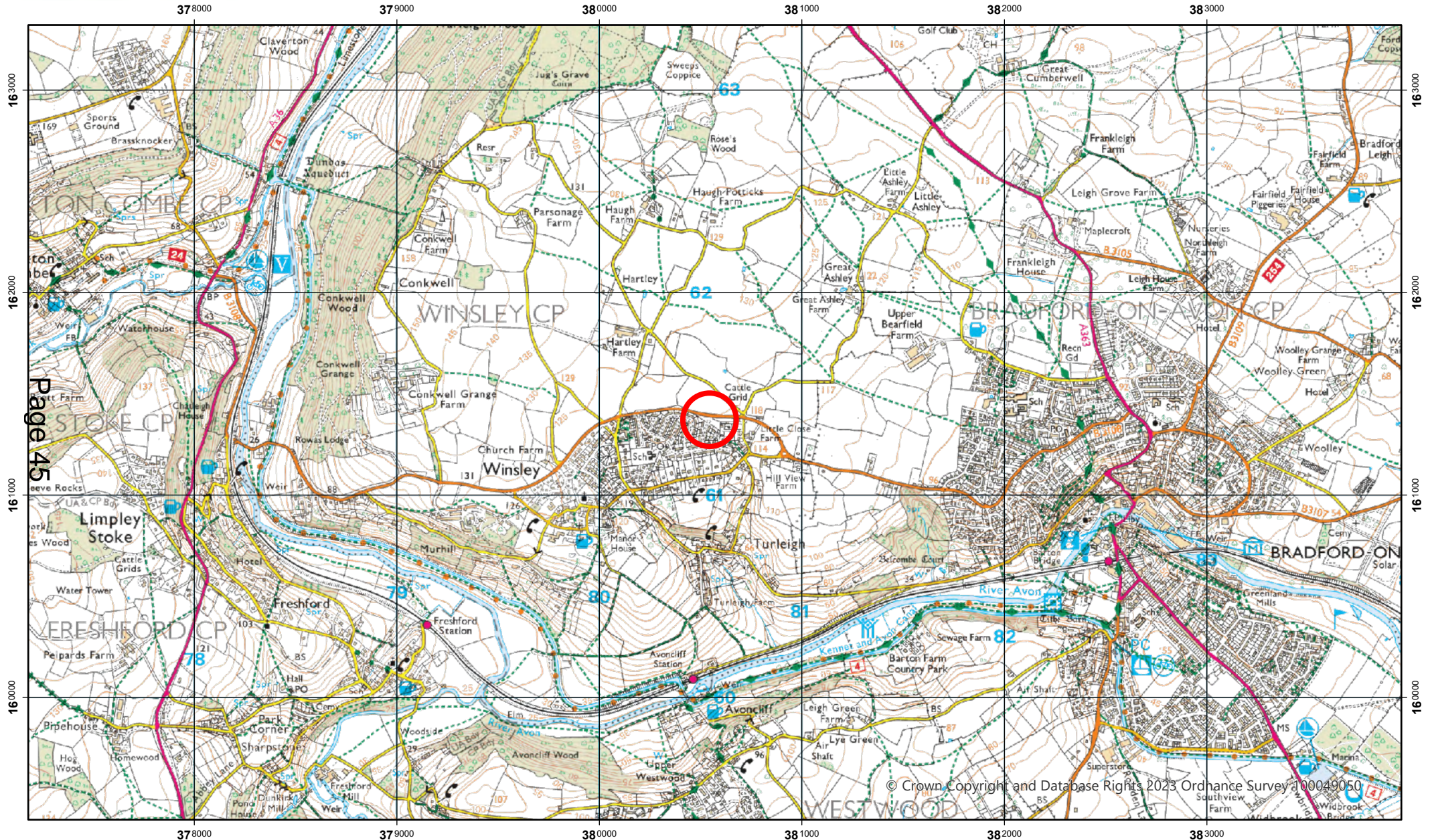
Appendix 15 – Witness Evidence – Lawful Sports and Pastimes

Appendix 16 – Witness Evidence – Fencing of Application Land July 2021

Appendix 17 – Witness Distribution Map

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APPENDIX 1 - LOCATION PLAN NORTHFIELD PLAYING FIELD, WINSLEY



Page 45



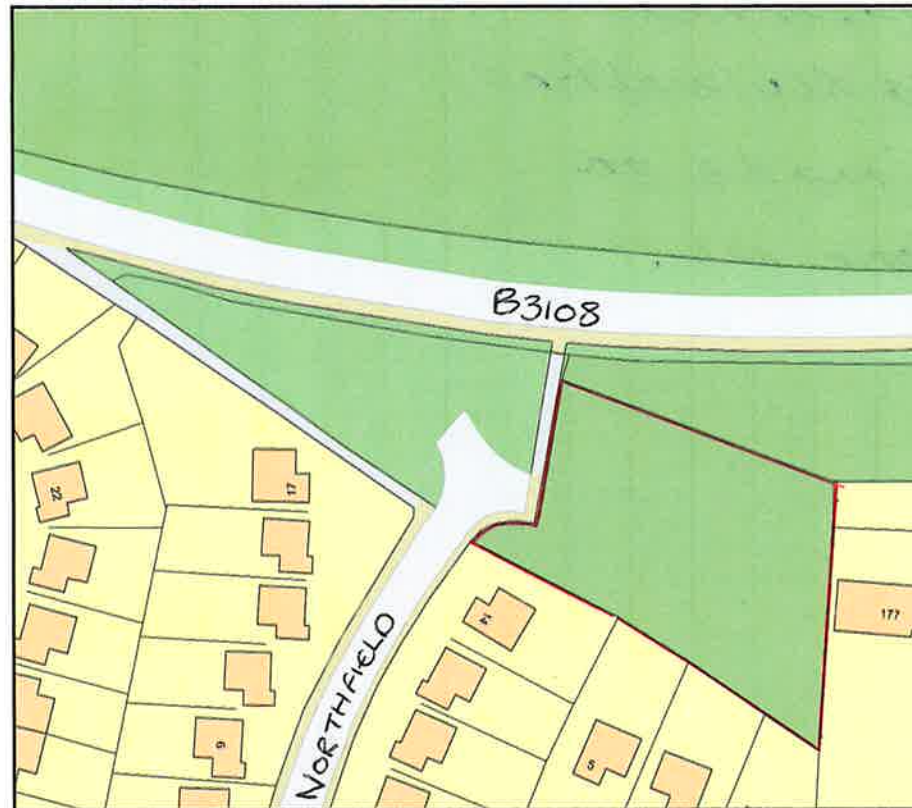
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Northfield Playing Field

~~Evidence A~~
~~Map~~

EXHIBIT A

- Boundary of
Northfield Playing
field



Plan Produced for: Winsley Parish Council

Date Produced: 28 Feb 2021

Plan Reference Number: TQRQM21059144557323

Scale: 1:1250 @ A4

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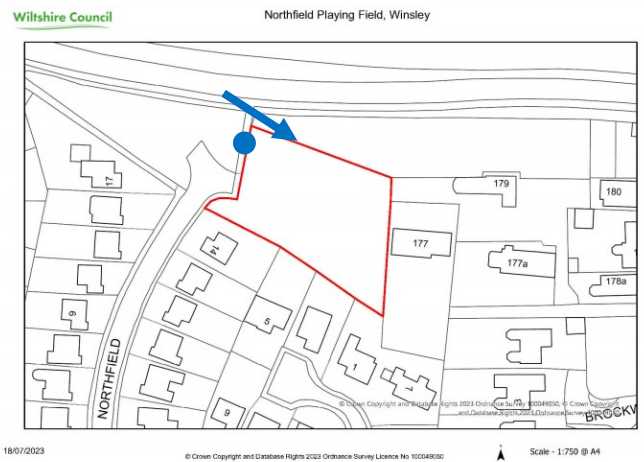
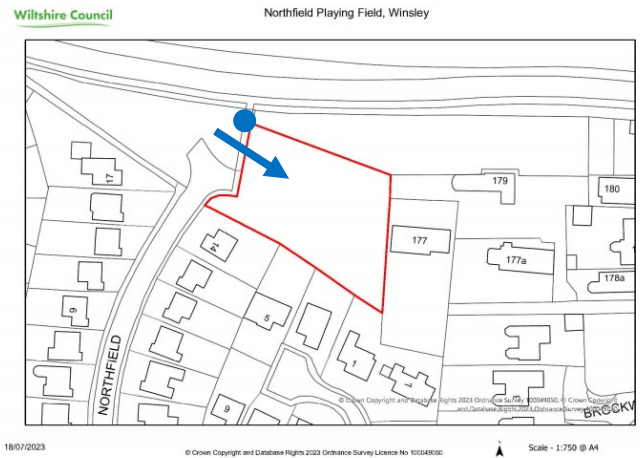


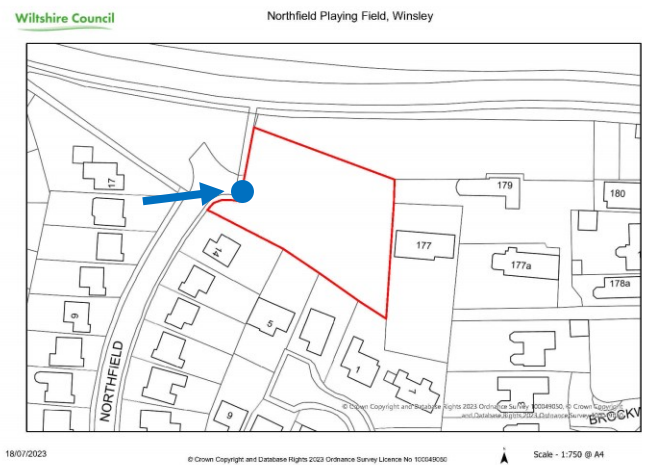
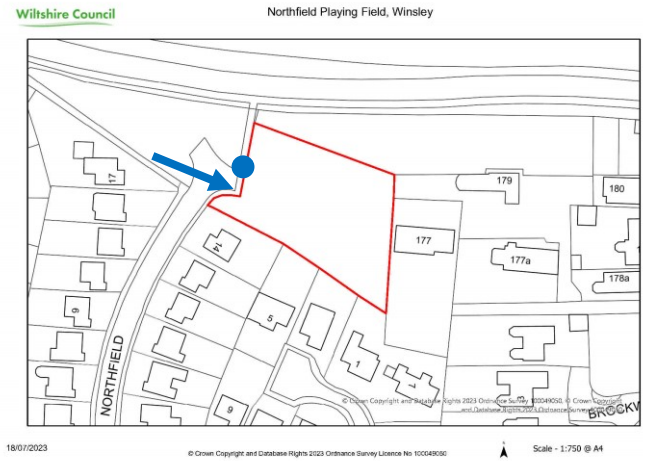
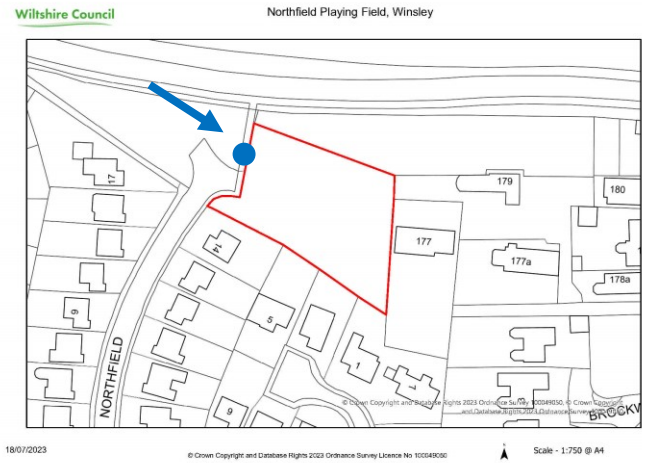
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Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley

APPENDIX 3 – Photographs of Application Land

Please note: Location and direction markers are intended to be indicative only







Wiltshire Council

Northfield Playing Field, Winsley



18/01/2023

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Scale - 1:750 @ A4



Wiltshire Council

Northfield Playing Field, Winsley



18/01/2023

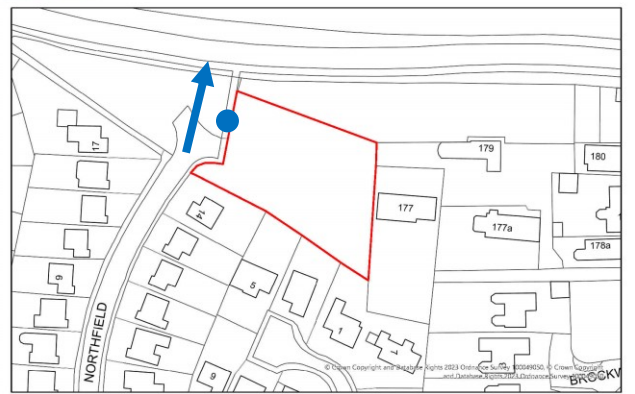
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Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley

Appendix 5 – Commons Act 2006 – Section 15

15. Registration of greens

- (1) *Any person may apply to the commons registration authority to register land to which this Part applies as a town or village green in a case where subsection (2), (3) or (4) applies.*
- (2) *This subsection applies where-*
- (a) *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*
 - (b) *they continue to do so at the time of application.*
- (3) *This subsection applies where-*
- (a) *a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastime on the land for a period of at least 20 years;*
 - (b) *they ceased to do so before the time of the application but after the commencement of this section; and*
 - (c) *the application is made within the relevant period.*
- (3A) *In subsection (3), “the relevant period” means-*
- (a) *in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b);*
 - (b) *in the case of an application relating to land in Wales, the period of two years beginning with that cessation.*
- (4) *This subsection applies (subject to subsection (5)) where-*
- (a) *a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;*

- (b) the ceased to do so before the commencement of this section; and*
 - (c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).*
- (5) Subsection (4) does not apply in relation to any land where-*
 - (a) planning permission was granted before 23rd June 2006 in respect of the land;*
 - (b) construction works were commenced before that date in accordance with that planning permission on the land or any other land in respect of which the permission was granted; and*
 - (c) the land-*
 - (i) has by reason of any works carried out in accordance with that planning permission become permanently unusable by members of the public for the purposes of lawful sports and pastimes; or*
 - (ii) will by reason of any works proposed to be carried out in accordance with that planning permission become permanently unusable by members of the public for those purposes.*
- (6) In determining the period of 20 years referred to in subsections (2)(a), (3)(a) and (4)(a), there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.*
- (7) For the purposes of subsection (2)(b) in a case where the condition in subsection (2)(a) is satisfied-*
 - (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6), those persons are to be regarded as continuing so to indulge; and*
 - (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land “as of right”.*
- (8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.*
- (9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor or any relevant charge over, the land.*

(10) *In subsection (9)-*

“relevant charge” means-

(a) *in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);*

(b) *in relation to land which is not so registered-*

(i) a charge registered under the Land Charges Act 1972 (c. 61); or

(ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c. 20), which is not registered under the Land Charges Act 1972;

“relevant leaseholder” means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.

STATUTORY INSTRUMENTS

2007 No. 457

COMMONS, ENGLAND

**The Commons (Registration of Town or Village Greens)
(Interim Arrangements) (England) Regulations 2007**

<i>Made</i>	- - - -	<i>17th February 2007</i>
<i>Laid before Parliament</i>		<i>26th February 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

The Secretary of State, in exercise of the powers conferred upon him by section 24(1) and (4) and section 59(1) of the Commons Act 2006⁽¹⁾, makes the following Regulations—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations apply to England.

Scope and Interpretation

2.—(1) These Regulations apply to applications made to a registration authority under section 15(1) or (8) of the 2006 Act to register land as a town or village green.

(2) In these Regulations—

“the 2006 Act” means the Commons Act 2006;

“concerned authority”, in relation to an application to a registration authority, means a local authority (other than the registration authority) in whose area any part of the land affected by the application lies and “local authority” means a county council, a district council, a London borough council or a parish council;

“form 44” and “form 45” mean the forms so numbered in the Schedule to these Regulations, or those forms with any variations that the circumstances may require;

(1) 2006 c.26.

“the General Regulations” means the Commons Registration (General) Regulations 1966(2), and “General Regulation” followed by a number means the regulation so numbered in the General Regulations;

“registration authority” means a commons registration authority.

(3) Any requirement that a registration authority must send anything to “the applicant” shall, where a solicitor has been instructed for the purposes of an application, be deemed to be satisfied by sending it to the solicitor, or, where two or more persons have jointly made an application and no solicitor has been instructed, to that one of them whose name appears first in the application form.

(4) A requirement upon a registration authority to stamp any document is a requirement to cause an impression of its official stamp as described in General Regulation 3 to be affixed to it, which must bear the date mentioned in the requirement or (where no date is mentioned) the date when it was affixed.

Application to register land as a town or village green

3.—(1) An application for the registration of land as a town or village green must be made in accordance with these Regulations.

(2) An application must—

- (a) be made in form 44;
- (b) be signed by every applicant who is an individual, and by the secretary or some other duly authorised officer of every applicant which is a body corporate or unincorporate;
- (c) be accompanied by, or by a copy or sufficient abstract of, every document relating to the matter which the applicant has in his possession or under his control, or to which he has a right to production;
- (d) be supported—
 - (i) by a statutory declaration as set out in form 44, with such adaptations as the case may require; and
 - (ii) by such further evidence as, at any time before finally disposing of the application, the registration authority may reasonably require.

(3) A statutory declaration in support of an application must be made by—

- (a) the applicant, or one of the applicants if there is more than one;
- (b) the person who signed the application on behalf of an applicant which is a body corporate or unincorporate; or
- (c) a solicitor acting on behalf of the applicant.

Procedure on receipt of applications

4.—(1) On receiving an application, the registration authority must—

- (a) allot a distinguishing number to the application and mark it with that number; and
- (b) stamp the application form indicating the date when it was received.

(2) The registration authority must send the applicant a receipt for his application containing a statement of the number allotted to it, and Form 6, if used for that purpose, shall be sufficient.

(3) In this regulation, “Form 6” means the form so numbered in the General Regulations.

(2) S.I. 1966/1471 as amended by S.I. 1968/658, 1968/989, 1969/1843, 1982/210, 1989/2167, 1990/311, 1994/2567 and 2003/2260 and modified by S.I. 1991/2684.

Procedure in relation to applications to which section 15(1) of the 2006 Act applies

5.—(1) Where an application is made under section 15(1) of the 2006 Act to register land as a town or village green, the registration authority must, subject to paragraph (4), on receipt of an application—

- (a) send by post a notice in form 45 to every person (other than the applicant) whom the registration authority has reason to believe (whether from information supplied by the applicant or otherwise) to be an owner, lessee, tenant or occupier of any part of the land affected by the application, or to be likely to wish to object to the application;
- (b) publish in the concerned area, and display, the notice described in sub#paragraph (a), and send the notice and a copy of the application to every concerned authority; and
- (c) affix the notice to some conspicuous object on any part of the land which is open, unenclosed and unoccupied, unless it appears to the registration authority that such a course would not be reasonably practicable.

(2) The date to be inserted in a notice under paragraph (1)(a) by which statements in objection to an application must be submitted to the registration authority must be such as to allow an interval of not less than six weeks from the latest of the following—

- (a) the date on which the notice may reasonably be expected to be delivered in the ordinary course of post to the persons to whom it is sent under paragraph (1)(a); or
- (b) the date on which the notice is published and displayed by the registration authority.

(3) Every concerned authority receiving under this regulation a notice and a copy of an application must—

- (a) immediately display copies of the notice; and
- (b) keep the copy of the application available for public inspection at all reasonable times until informed by the registration authority of the disposal of the application.

(4) Where an application appears to the registration authority after preliminary consideration not to be duly made, the authority may reject it without complying with paragraph (1), but where it appears to the authority that any action by the applicant might put the application in order, the authority must not reject the application under this paragraph without first giving the applicant a reasonable opportunity of taking that action.

(5) In this regulation, “concerned area” means an area including the area of every concerned authority.

(6) A requirement upon a registration authority to publish a notice in any area is a requirement to cause the document to be published in such one or more newspapers circulating in that area as appears to the authority sufficient to secure adequate publicity for it.

(7) A requirement to display a notice or copies thereof is a requirement to treat it, for the purposes of section 232 of the Local Government Act 1972(3) (public notices), as if it were a public notice within the meaning of that section.

Consideration of objections

6.—(1) Where an application is made under section 15(1) of the 2006 Act to register land as a town or village green, as soon as possible after the date by which statements in objection to an application have been required to be submitted, the registration authority must proceed to the further consideration of the application, and the consideration of statements (if any) in objection to that application, in accordance with the following provisions of this regulation.

- (2) The registration authority—

(3) 1972 c.70.

- (a) must consider every written statement in objection to an application which it receives before the date on which it proceeds to the further consideration of the application under paragraph (1); and
 - (b) may consider any such statement which it receives on or after that date and before the authority finally disposes of the application.
- (3) The registration authority must send the applicant a copy of every statement which it is required under paragraph (2) to consider, and of every statement which it is permitted to consider and intends to consider.
- (4) The registration authority must not reject the application without giving the applicant a reasonable opportunity of dealing with—
- (a) the matters contained in any statement of which copies are sent to him under paragraph (3); and
 - (b) any other matter in relation to the application which appears to the authority to afford possible grounds for rejecting the application.

Procedure in relation to applications to which section 15(8) of the 2006 Act applies

7. Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that—
- (a) the applicant is the owner of the land; and
 - (b) any consents which are required by section 15(9) of the 2006 Act have been obtained.

Method of registration

8.—(1) Where the registration authority grants an application, it must make the necessary registration, following as closely as possible Model Entry No. 4 with such variations and adaptations as the circumstances may require, but with the substitution, for the words “(Registration provisional.)”, of the words “(Registration under section 15 of the Commons Act 2006.)”.

(2) The provisions of paragraphs (2) to (6) of General Regulation 10 apply to registrations under these Regulations as they apply to registrations made pursuant to the General Regulations with the following modifications—

- (a) in paragraph (2), after the words “Form 2, and”, insert “, to the extent required,”; and
- (b) in paragraph (5), the words “for the Register of Common Land shall bear the prefix CL, and every such number” shall not apply.

(3) The provisions of regulation 9 of the Commons Registration (Objections and Maps) Regulations 1968(4) (changes as to provisional register maps) apply for the purposes of section 15 of the 2006 Act as they apply for the purposes of section 4 of the Commons Registration Act 1965(5) with the following modifications—

- (a) paragraphs (1), (2) and (3) shall not apply;
- (b) “new map” means any map taken into use for the purpose of this regulation;
- (c) in paragraph (4) for the words “six inches to one mile”, substitute “1:2,500”.

(4) Each new map taken into use must be stamped by, and signed on behalf of, the registration authority, and shall then form part of the register.

(5) Where the land which is the subject of an application is already registered as common land in the register of common land, the registration authority must, in addition—

(4) S.I. 1968/989 as amended by S.I 1969/1843, 1970/384 and 1990/311 .

(5) 1965 c.64.

- (a) where rights of common are entered in that register, make a corresponding entry in the register of town or village greens; and
 - (b) modify the entry in the register of common land so that the land which is the subject of the application ceases to be registered as common land.
- (6) Where a registration authority has made a registration under this regulation, it must file the application form and any plan and return all other documents which accompanied the application to the applicant.
- (7) In this regulation—
- (a) “Model Entry No. 4” means the specimen entry so numbered in Part I of Schedule 2 to the General Regulations; and
 - (b) “register of common land” and “register of town or village greens” refer to the registers maintained by a registration authority pursuant to section 3 of the 1965 Act⁽⁶⁾.

Information about disposal of applications, and procedure on rejection

9.—(1) When the registration authority has disposed of an application and, if it has granted the application, has made the necessary registration, it must give written notice of the fact to—

- (a) every concerned authority,
- (b) the applicant, and
- (c) every person whose address is known to the registration authority and who objected to the application.

(2) Such notice must include, where the registration authority has granted the application, details of the registration, and, where it has rejected the application, the reasons for the rejection.

(3) A person must be taken to have objected to an application for the purposes of paragraph (1) if he submitted a statement in objection to the application which the registration authority was required to consider under paragraph (2) of regulation 6 or which it did consider under that paragraph.

(4) Where the registration authority has rejected an application, it must return the application form and all accompanying documents to the applicant.

Land descriptions

10.—(1) This Regulation applies to the description of any land which is the subject of an application for registration as a town or village green.

- (2) Land must be described for the purposes of any application—
 - (a) by an Ordnance map accompanying the application and referred to in that application; or
 - (b) in the case of land already registered as common land, if the application relates to the whole of the land in a register unit, by a reference to that register unit.
- (3) Any Ordnance map accompanying an application must—
 - (a) be on a scale of not less than 1:2,500;
 - (b) show the land to be described by means of distinctive colouring; and
 - (c) be marked as an exhibit to the statutory declaration in support of the application.
- (4) In this regulation, “register unit” has the same meaning as in the General Regulations.

(6) By article 4 of the [Commons Act 2006 \(Commencement No. 2, Transitional Provisions and Savings\) \(England\) Order 2007/456](#), a green complying with the criteria for registration under section 15 of the 2006 Act is to be entered in the register maintained by a registration authority pursuant to the 1965 Act.

17th February 2007

Barry Gardiner
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

SCHEDULE

Regulation 2(1)

Forms

FORM 44	
Commons Act 2006: Section 15	
Application for the registration of land as a Town or Village Green	
<p>Official stamp of registration authority indicating valid date of receipt:</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p>Application number: <input style="width: 100%;" type="text"/></p> <p>Register unit No(s): <input style="width: 100%;" type="text"/></p> <p>VG number allocated at registration:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p><small>(CRA to complete only if application is successful)</small></p>
<p>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:</p> <ul style="list-style-type: none">• 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 as appropriate. 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.	
<p>Note 1 <i>Insert name of registration authority.</i></p>	<p>1. Registration Authority</p> <p>To the</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>

<p>Note 2 <i>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.</i></p> <p><i>If question 3 is not completed all correspondence and notices will be sent to the first named applicant.</i></p>	<p>2. Name and address of the applicant</p>
	Name: <input type="text"/>
	Full postal address: <input type="text"/> <div style="text-align: right;">Postcode</div>
	Telephone number: (incl. national dialling code) <input type="text"/>
	Fax number: (incl. national dialling code) <input type="text"/>
	E-mail address: <input type="text"/>
<p>Note 3 <i>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.</i></p>	<p>3. Name and address of solicitor, if any</p>
	Name: <input type="text"/>
	Firm: <input type="text"/>
	Full postal address: <input type="text"/> <div style="text-align: right;">Post code</div>
	Telephone number: (incl. national dialling code) <input type="text"/>
	Fax number: (incl. national dialling code) <input type="text"/>
	E-mail address: <input type="text"/>

<p>Note 4 <i>For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.</i></p>	<p>4. Basis of application for registration and qualifying criteria</p>
	<p>If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.</p>
	<p>Application made under section 15(8): <input type="checkbox"/></p>
	<p>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.</p>
	<p>Section 15(2) applies: <input type="checkbox"/></p>
<p><i>* 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.</i></p>	<p>Section 15(3) applies: <input type="checkbox"/></p>
	<p>Section 15(4) applies: <input type="checkbox"/></p>
	<p>If section 15(3) or (4) applies please indicate the date on which you consider that use as of right ended.</p>
	<div style="border: 1px solid black; height: 36px;"></div>
	<p>If section 15(6)* applies please indicate the period of statutory closure (if any) which needs to be disregarded.</p>
	<div style="border: 1px solid black; height: 64px;"></div>

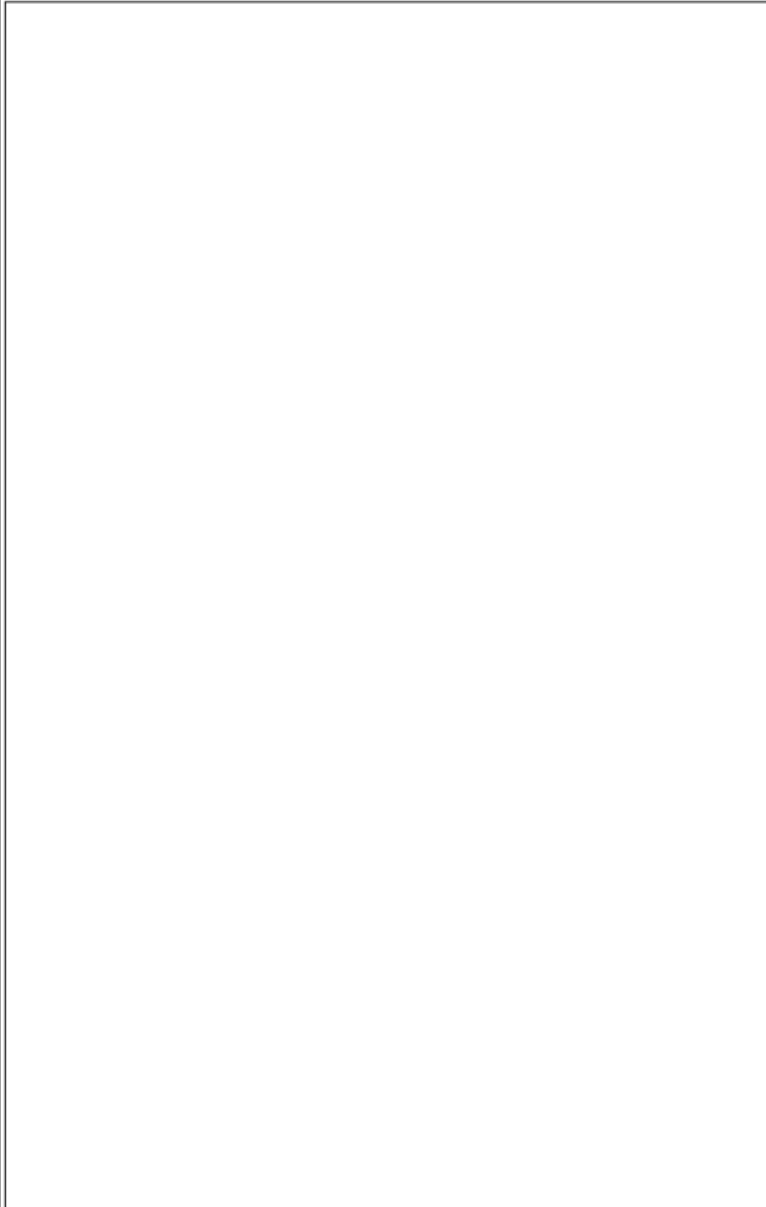
<p>Note 5 <i>The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.</i></p> <p><i>* Only complete if the land is already registered as common land.</i></p> <p>Note 6 <i>It may be possible to indicate the locality of 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.</i></p>	<p>5. Description and particulars of the area of land in respect of which application for registration is made</p> <p>Name by which usually known:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Location:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>Shown in colour on the map which is marked and attached to the statutory declaration.</p> <p>Common land register unit number (if relevant) * <input style="width: 100px;" type="text"/></p>
	<p>6. Locality or neighbourhood within a locality in respect of which the application is made</p> <p>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:</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Tick here if map attached: <input type="checkbox"/></p>

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).



<p>Note 8 Please use a separate sheet if necessary.</p>	<p>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</p>
<p>Where relevant include reference to title numbers in the register of title held by the Land Registry.</p> <p>If no one has been identified in this section you should write "none"</p> <p>This information is not needed if a landowner is applying to register the land as a green under section 15(8).</p>	<div style="border: 1px solid black; height: 135px;"></div>
<p>Note 9 List all such declarations that accompany the application. If none is required, write "none".</p> <p>This information is not needed if an application is being made to register the land as a green under section 15(1).</p>	<p>9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land</p>
<p>Note 10 List all supporting documents and maps accompanying the application. If none, write "none"</p> <p>Please use a separate sheet if necessary.</p>	<div style="border: 1px solid black; height: 125px;"></div>
	<p>10. Supporting documentation</p>
	<div style="border: 1px solid black; height: 150px;"></div>

<p>Note 11 <i>If 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.</i></p> <p>Note 12 <i>The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.</i></p>	<p>11. Any other information relating to the application</p> <div style="border: 1px solid black; height: 200px; width: 100%;"></div> <p>Date: <input style="width: 100%;" type="text"/></p> <p>Signatures: <div style="border: 1px solid black; height: 60px; width: 100%;"></div></p>
--	--

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).*

I.....,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) (³ 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.

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

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/

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)
) *Signature of Declarant*
)
 this day of)

Before me *

Signature:

Address:

Qualification:

*** 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

FORM 45

COMMONS ACT 2006 — SECTION 15(1)

Notice of an application for the registration of land as a Town or Village Green

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

Application has been made to the *(name and address of the registration authority)* by *(name and address of applicant)* under section 15(1) of the Commons Act 2006 and in accordance with the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007. The application seeks the inclusion in the register of town and village greens of the land described in the Schedule below which is claimed to have qualified for registration as a town or village green on *(period given in question 4 of Form 44)* by virtue of *(summary of case given in question 7 of Form 44)*.

The application, which includes a plan of the land proposed for registration may be inspected at the following office between the hours of*(address and timings where and when application papers are available)*. Copies of the documents may also be inspected at the following local authority offices *(insert details of concerned local authorities if any)*.

If the registration authority is satisfied that the land described below qualifies for registration as a town or village green, it will so register the land.

Any person wishing to object to the registration of the land as a town or village green should send a statement of the facts on which the objection is based to *(name and address of registration authority)* on or before *(insert date — not less than 6 weeks from the later of the date the notice is published and displayed or the date on which it is delivered pursuant to regulation 5(2))*. Any representations that are to be taken into account by the Authority in reaching a decision on the application cannot be treated as confidential and will be copied to the applicant for comment and may be disclosed to other interested parties.

Dated

Signed (signature on behalf of the registration authority)

Schedule

Description of the land claimed to have qualified for registration as a town or village green

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 15 of the Commons Act 2006 (“the 2006 Act”) provides a revised basis for seeking registration of land as a town or village green.

Part I of the 2006 Act has only been partially brought into force. In particular sections 1–3 are not yet in force. Until that happens, new greens cannot be entered into the register of town or village greens to be maintained pursuant to the 2006 Act. Until that time, these Regulations enable registration authorities to register land, which meets the criteria for registration set out in section 15(1) or 15(8) of the 2006 Act, in the register of town or village greens maintained pursuant to the Commons Registration Act 1965.

These regulations—

- specify the procedure for applying to register land as a town or village green (*r.3*);
- specify the procedure for dealing with applications for registration (*rr.4–7*); and
- specify the manner of registration of land as a town or village green following the granting of an application (*r.8*).

These regulations replace the relevant provisions in the Commons Registration (New Land) Regulations 1969 ([SI 1969/1843](#)) for the registration of new town or village greens under the Commons Registration Act 1965. However, the 1969 regulations remain in force to enable the registration of new greens and new common land for the purposes specified in the savings contained in article 4(3) of the Commons Act 2006 (Commencement No. 2, Transitional Provisions and Savings)(England) Order 2007 ([SI 2007/456](#)).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.



Department
for Environment
Food & Rural Affairs

Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006

**Sections 15A and 15B: landowner statements
and registers (including statements and
declarations under section 31(6) of the
Highways Act 1980)**

**Section 15C: exclusion of the right to apply
under section 15(1) to register new town or
village greens**

December 2016



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PB 13886
www.gov.uk/defra

Version 7

Version 6 was amended to reflect changes made by the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) (Amendment) Regulations 2016. These regulations removed the requirement to post notices on land where a statement and map has been deposited, or a declaration lodged, under section 31(6) of the Highways Act 1980 in respect of that land.

Version 5 was amended to take account of the amended list of trigger and terminating events introduced by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014. Paragraph 6 now also refers to the Guidance for the completion of form CA16.

Version 4 was amended at paragraph 24 to qualify the statement that whilst it is possible to make a single application to deposit a highways statement, lodge a highways declaration and deposit a landowner statement, in relation to the former two, these can only be done in relation to different areas of land.

Version 3 was amended to make clear Defra's view that for a declaration to be effective as evidence against presumed dedication it must be lodged after the deposit of a statement, not at the same time.

Version 2 was amended to remove references to Annexes B and C, which featured in the interim guidance but were removed; and to make clear that the notice of application should be accompanied by a map of the land.

Version 1 was amended to correct paragraph 27 which incorrectly stated that, in relation to the increase of the 10 year period for highways declarations to 20 years, it applied retrospectively. This is not the case: the 20 year period only applies to applications submitted on or after 1 October 2013

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Introduction

1. This guidance is for commons registration authorities in England. Chapter 1 should also be read by appropriate councils¹ who maintain the registers held under section 31A of the 1980 Act. Separate guidance is available to applicants on the www.gov.uk website. Please see:
 - Guidance for the completion of form CA16 (the application form for depositing landowner statements and highways statements, and for lodging highways declarations);
 - Guidance to applicants in the pioneer areas and 2014 areas (if the land is in Devon, Kent (but not including unitary authorities in these first two counties), Cornwall, Hertfordshire, Herefordshire, Lancashire (but not Blackpool), Cumbria, North Yorkshire and Blackburn with Darwen); or
 - Guidance notes for the completion of an application to register land as a town or village green.
2. This guidance is not an authoritative statement of the law, which is ultimately a matter for the courts.
3. In July 2011 the Government published a consultation on the registration of new town and village greens (“greens”) due to increasing concerns about the impact of such applications on the planning system. The Government places great importance on the planning system to support efficiency, effectiveness and growth. This is partly why the Government committed to delivering the *Penfold review*² recommendation to reduce the impact of the greens registration system on the planning system. The Penfold review looked into whether non-planning consents discourage or delay investment in development projects.
4. Government announced in October 2012 that the law on the registration of new greens under the Commons Act 2006 (“the 2006 Act”) would be amended in England only through the Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012. On 25 April 2013 the Bill received Royal Assent and consequently became the Growth and Infrastructure Act 2013 (“the 2013 Act”). The changes apply to England only, so the law in Wales is unchanged.
5. Section 14 of the 2013 Act amended section 15(3) of the 2006 Act to reduce the period of grace following the cessation of at least 20 years’ use as of right from two

¹ “Appropriate council” is defined in section 31(7) of the Highways Act 1980 and “commons registration authorities” is defined in section 4 of the Commons Act 2006. In practice, the appropriate council and commons registration authority will be the same body.

² The Penfold review was published on 18 July 2012: www.gov.uk/government/publications/penfold-review-of-non-planning-consents

years to one year³. This came into force on 1 October 2013. Applications submitted after this date which relate to land on which recreational use as of right ceased any more than one year previous to cessation of such use must therefore fail because the one year deadline has been exceeded.

6. Section 15 of the 2013 Act inserts sections 15A and 15B into the 2006 Act to introduce, respectively, landowner statements which bring to an end any period of recreational use 'as of right' over land, and the registers in which they are to be recorded. Section 13 of the 2013 Act amended the form and procedure in England for depositing statements and declarations under section 31(6) of the Highways Act 1980 ("the 1980 Act") in order to align it with landowner statements. Sections 15 and 13, and the regulations which prescribe the rules for such applications, came into force on 1 October 2013 and are explained in Chapter 1.
7. Section 16 of the 2013 Act inserted section 15C and Schedule 1A into the Commons 2006 Act to exclude the right to apply under section 15(1) of the 2006 Act to register land as a green when a 'trigger event' has occurred in relation to that land. This came into force on 25 April 2013. Further trigger events were added in February 2014. These are explained in Chapter 2.

³ Section 14 of the 2013 Act amended section 15(3) of the 2006 Act to reduce the period of grace where recreational use as of right has ceased before an application is made. The amendment took effect on 1 October 2013 by virtue of the Growth and Infrastructure Act 2013 (Commencement No. 2 and Transitional and Saving Provisions) Order 2013 (SI 2013/1488).

Chapter 1: Landowner Statements and Highways Statements and Declarations

What has changed?

8. Section 15 of the 2013 Act amends the law on registering greens by inserting sections 15A and 15B into the 2006 Act⁴. Section 15A allows a landowner⁵ to deposit a landowner statement accompanied by a map which brings to an end any period of recreational use ‘as of right’ over the land to which the statement and map relate. Section 15B of the 2006 Act makes provision for the public registers in which information relating to landowner statements are to be recorded.
9. Section 13 of the 2013 Act amends the form and procedure in England for depositing statements and declarations under section 31(6) of the 1980 Act in order to align it with the new mechanism for depositing landowner statements. The regime in section 31(6) of the 1980 Act provides a means for a landowner to counter deemed dedication (under section 31(1) of that Act) of ways over its land as highways (see paragraph 17). In this Chapter a statement deposited under section 31(6) is referred to as a ‘highways statement’ and a declaration lodged under that provision is referred to as a ‘highways declaration’.
10. The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013⁶ (“the 2013 Regulations”) prescribe the form and process for the depositing of, and recording of information relating to, landowner statements, highways statements and highways declarations. Such deposits are submitted to the “appropriate authority”, a term which amalgamates the separate definitions of the appropriate council for highways purposes and the commons registration authority for greens purposes, which generally are the same local authority. The 2013 Regulations also provide for:
 - a prescribed application form which allows landowners to submit to the authority a single application for both highways and greens purposes⁷ ;
 - a power for the authority to set a reasonable application fee;

⁴ Section 15 was commenced on 25 June 2013 for the limited purpose of making regulations (see the Growth and Infrastructure Act 2013 (Commencement No. 2 and Transitional and Saving Provisions) Order 2013, SI 2013/1488, article 4(b)). Section 15 was brought into effect for all remaining purposes on 1st October 2013 by the Growth and Infrastructure Act 2013 (Commencement No. 3 and Savings) Order 2013, SI 2013/1766, article 3(b)

⁵ “Owner” is defined in section 61(3)(a) of the 2006 Act.

⁶ SI 2013/1774.

⁷ Regulation 2(2)(a) of the 2013 Regulations requires that an application to deposit a highways statement, highways declaration or green landowner statement on or after 1st October 2013 be in the prescribed form or in a form substantially to the same effect, with such insertions or omissions as re necessary in any particular case.

- when a landowner statement is treated as having been deposited with the authority;
- the service of notice by the authority of an application to deposit a highways statement, highways declaration and landowner statement;
- the information relating to a landowner statement which must be recorded in the public register required to be maintained under section 15B(1) of the 2006 Act, the manner of keeping such a register and the circumstances in which entries may be removed from the register; and
- where an authority wishes to record such prescribed information in the existing register maintained for highways purposes under section 31A of the 1980 Act (permitted by section 15B(3) of the 2006 Act), the creation of a new part of the existing register for that purpose.

11. Sections 13 and 15 of the 2013 Act and the 2013 Regulations came into force on 1 October 2013.

12. The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) (Amendment) Regulations 2016 (the 2016 Regulations) remove the requirement to post notices on land where a statement and map has been deposited, or a declaration lodged, under section 31(6) of the Highways Act 1980 in respect of that land.

What is a landowner statement?

13. A landowner statement is different to a highways statement or highways declaration deposited under the 1980 Act. A landowner statement applies specifically to greens and comprises:

- a statement which brings to an end any period of recreational use as of right over the land to which the statement applies; and
- a map which shows the land to which the statement applies.

14. One key component of the criteria for registering new greens under section 15(1) of the 2006 Act is that the land has been used 'as of right', which means without permission, without force and without secrecy, for at least 20 years. The effect of depositing a landowner statement is to interrupt any such period of use of the land shown in the map and described in the statement.

15. Section 15A(2) of the 2006 Act provides that the deposit of a landowner statement does not prevent a new period of use commencing. Therefore if recreational use 'as of right' of the land were to continue then a new 20 year period of requisite user could begin to accrue. However, if a landowner statement is deposited within 20 years of the previous deposit, then it will again prevent any recreational users of the land reaching

the 20 years' use required by the greens registration criteria (i.e. because the clock is stopped once more before it reaches 20 years).

16. For land which has been subject to recreational use as of right for 20 years or more before a landowner statement is deposited, the deposit of such a statement would trigger the one year period of grace allowed for greens applications which rely on the qualifying criteria provided by section 15(3) of the 2006 Act, i.e. where use of the land as of right has ceased.

What changes have been made to statements and declarations under the 1980 Act?

17. The regime for depositing highways statements and highways declarations continues and any previous deposits remain valid. However, section 13 of the 2013 Act amends section 31 of the 1980 Act in order to align the form and procedure for making such deposits with that for depositing landowner statements.
18. Under section 31(6) of the 1980 Act, landowners⁸ can deposit a statement and map acknowledging which ways across their land (if any) which they admit to having been dedicated⁹ as highways. Landowners may then, within 20 years¹⁰ of the deposit of the statement and map (and within subsequent periods of 20 years¹¹ from each previous deposit), lodge a formal declaration to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the map has been dedicated as a highway since the date of the initial or previous (as the case may be) deposit. In the absence of proof of a contrary intention, a declaration will be sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.
19. In Defra's view, for a declaration to be effective as evidence against presumed dedication, the lodging must be a separate event, *after* the deposit of the statement (i.e. not at the same time), but no more than 20 years later.
20. The appropriate council, which is the top-tier local authority for the area (e.g. county council or London borough), records information relating to highways statements and highways declarations in a public register kept under section 31A of the 1980 Act and

⁸ "Owner" is defined in section 31(7) of the 1980 Act as "a person who is for the time being entitled to dispose of the fee simple in the land."

⁹ In Defra's view, reference to "dedicated" here means dedicated by the landowner (or his/her predecessors), not highways created through other means, e.g. under statute

¹⁰ This period was extended to 20 years in relation to land in England by virtue of section 13(2) of the 2013 Act and section 31(6A)(c) of the 1980 Act (as inserted by section 13(3) of the 2013 Act. Section 13 was commenced on 25 June 2013 for the limited purpose of making regulations (see SI 2013/1488, article 4(a)) and was brought into effect for all remaining purposes on 1st October 2013 (see SI 2013/1766, article 3(a) and the savings provision in article 4).

¹¹ Ibid.

the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007¹² (“the 2007 Regulations”). The 2013 Regulations amend the 2007 Regulations to allow for paper registers kept under section 31A to be held and inspected at a specified office (or if none is specified, the principal office) of the appropriate council, as well as consequential amendments arising from changes made by section 13 of the 2013 Act¹³.

21. There was previously no prescribed form for depositing highways statements and highways declarations were required to be in the form of a statutory declaration. The 2013 Regulations prescribe an application form which allows a landowner to make any or all of the following in relation to his land: a highways statement, highways declaration, and landowner statement. The 2013 Regulations also impose notice requirements on the appropriate authority, as well as permitting the authority to specify a reasonable application fee if it so decides. The form requires the applicant to sign a statement of truth. The statement of truth places on the applicant the burden of ensuring that the information in the application is correct. Any incorrect facts could invalidate the effect of the application. Furthermore the authority has the power to remove entries which contain a material error – see paragraph 53.
22. The application form in the 2013 Regulations only applies to applications made on or after 1 October 2013. The new procedure does not apply to any statement or declaration made before that date.

Who is affected by the change?

23. Landowners, authorities and recreational users of land will be directly affected.
24. Landowners who wish to prevent the deemed dedication of any new highways over their land or prevent any part of it being registered as a green may want to submit a highways statement followed by a highways declaration and a landowner statement. They can now do any or all at the same time through the combined application form, provided the highways statement is deposited in relation to land which is different to that for which the highways declaration is lodged. For example, the highways statement is deposited in relation to Land A, the highways declaration is lodged in relation to Land B and the landowner statement is deposited in relation to both Land A and B.
25. Authorities are responsible for processing and publishing notices under the 2013 Regulations, as well as recording information relating to highways statements, highways declarations and landowner statements in the public registers.

¹² SI 2007/2334

¹³ Regulation 8 of the 2013 Regulations amends the 2007 Regulation to remove references to statutory declarations and to extend the period in which highways declarations can be made following the deposit of an initial statement and map or the deposit of a previous declaration.

26. Authorities which have straddling agreements with Commons Registration Authorities in Wales could be further affected. Section 15A(8) of the 2006 Act provides that any such straddling agreements, whether made under the Commons Registration Act 1965 or the 2006 Act (i.e. an Authority in Wales is responsible for land in England), will be disregarded if they would have the effect of requiring a landowner statement to be deposited with an Authority in Wales. In such a case an application would need to be made in respect of the English land to the relevant authority in England.
27. Recreational users of land will be affected by the deposition of landowner statements because it will bring an end to any period during which they have used the land as of right. Similarly, the deposition of either a highways statement or declaration will negative presumed dedication of the land as a highway. The notice requirements placed on authorities will ensure that users are notified of any deposition in relation to the land they use. When a landowner statement is deposited in relation to land which has been used as of right for recreation for at least 20 years, it would trigger the one-year period of grace allowed under section 15(3) of the 2006 Act.

The registers

The 1980 Act register

28. The keeping of the register held under section 31A of the 1980 Act remains subject to the rules prescribed in the 2007 Regulations, except that the expiry of the 10 year period mentioned in the register has been amended to refer to the expiry of a 20 year period¹⁴. Please remember this only applies to applications submitted after 1 October 2013 and declarations submitted before 1 October remain subject to the 10 years¹⁵. The register can now be held at either any specified office of the authority or at its principal office. This flexibility allows for both the highways and landowner statements registers to be kept at the same office.

The landowner statements register

29. You may use the 1980 Act register to record landowner statements but must create a new part of the register for that purpose.
30. The register must contain an index of its contents, and provide the job title and contact details (phone and email) of the person in the authority to whom enquiries can be made. The register should be held in such a way as to enable copies of any information held in it to be taken by or for any person who requests a copy in person at

¹⁴ Regulation 8(5) of the 2013 Regulations amends the references to a 10 year period in regulation 3(3)(c) and 3(5) of the 2007 Regulations to ones of 20 years.

¹⁵ This is provided by a saving in article 4 of Growth and Infrastructure Act 2013 (Commencement Order No. 3 and Savings) Order 2013 (SI 2013/1766).

the relevant office of the authority. The web version must have a search facility that, as a minimum, allows postcode and keyword searches.

31. The register is to be held in both electronic and paper form. The paper copy must be kept at the relevant office of the commons registration authority, the address of which should be specified on the authority's website, or if no office is specified it shall be the authority's principal office. People who cannot access the authority's website can find out the address of the relevant office by telephoning the authority. The register should be available for inspection during normal office hours. The electronic copy should be published on the authority's website or a website maintained by the authority.

32. The register must contain:

- a copy of the statement;
- a copy of the map and any legend which accompanies or forms part of the map;
- the name and address (incl. postcode) of the person who made the statement;
- the date on which the authority received the application to deposit the statement and map; and
- details of the land on the map (including the Ordnance Survey grid reference of a point within each parcel); the name of the parish, ward or district; the address of buildings on the land which have a postcode; the name of the nearest town or city.

33. The details to be recorded in the register for landowner statements are almost the same as those for the register for highways statements and declarations. The difference is that the highways register, with respect to highways declarations (not highways statements), records the date on which the 20 year period elapses and a unique reference number allotted by the authority to the declaration.

The application procedure

34. There are four steps to the procedure: initial check, acknowledgement of the application, serving notice of the application and recording it in the register. Each stage is explained below.

Initial check

35. On receipt of an application, you will need to check whether the application form is:

- in the form prescribed by Schedule 1 to the 2013 Regulations, or in a form substantially to the same effect with such insertions or omissions as are necessary in any particular case¹⁶;

¹⁶ See Regulation 2(2)(a) of the 2013 Regulations.

- signed by every owner (or by their duly authorised representative) of the land to which the application relates;
- accompanied by an Ordnance map at a scale not less than 1:10,560 (except where the application refers to a map which accompanied a previously deposited statement or declaration with the authority – see paragraph 40); and
- accompanied by the correct fee (if any).

36. Parts A and F of the application form must be completed by all applicants. Parts B to E are discretionary and allow for variation to account for the unique set of facts associated with each application. Parts B, C or D should be deleted where not applicable. Part B is to be completed where the application relates to a highways statement. Part C is to be completed where the application relates to a highways declaration and Part D is to be completed where the application relates to a landowner statement. Part E allows for additional information to be provided which is relevant to the application.
37. For applications which seek simultaneously to deposit a highways statement and lodge a highways declaration in relation to the same land, you should advise the applicant that for the application to be effective the declaration must be lodged separately, after the deposit of a statement, at any time within 20 years from the time of the deposit of the statement.
38. The application must be signed by the applicant (person A). This can be the landowner or a duly authorised representative of the owner. Where there are multiple owners, each owner must complete paragraphs 2 and 3 of Part A and complete and sign the application in Part F or a duly authorised representative (or representatives) may complete the form on behalf of all of the owners. Paragraph 3 of Part A to the prescribed form should explain in what capacity the applicant is applying e.g. landowner, managing agent, trustee. If the owner is a body corporate or an unincorporated association, the application must be signed by the secretary or another duly authorised officer.
39. Where the applicant is unable to read or write, the application must be supported by a certificate made by an authorised person¹⁷ who must certify that the application and, in particular, the statement of truth in Part F has been read to person A who appeared to understand the statement and the consequences of making a false one as well as understanding and approving the content of the application as accurate; and that person A signed or made their mark in the presence of the authorised person.
40. The Ordnance Survey map, besides, being at the scale above, must show the boundary of the relevant land in coloured edging. The exception here is where the application refers to a map previously deposited with the authority in relation to a

¹⁷ An authorised person means a “conveyancer” as defined in rule 217(A) of the Land Registration Rules 2003.

highways statement or declaration (it does not matter if the map was deposited before 1 October 2013) or a landowner statement. If the application relates to multiple parcels of land, such parcels should be identified on the map by coloured edging and clearly described in paragraph 4 of Part A of the statement. A number of contiguous fields may be treated as one parcel of land, even if separated by physical boundaries such as roads or hedgerows.

41. The application must also be accompanied by the correct fee (if any has been specified). See paragraph 54 for further advice.
42. The statement of truth in the application form, which the applicant must sign, places on the applicant the onus of getting the facts correct. If the statement or map in question contains a material error, then it could invalidate the application, in whole or in part, and any entry made in reliance on it might be removed by the authority (see paragraph 53).
43. An application is to be treated as having been deposited with the authority when it has been duly made (see paragraph 35). An application can be delivered to the authority by hand at an office of the authority, or by post. Where an application is sent by any means that do not guarantee delivery, the application will not be deemed to have been made if it is proved that the authority did not receive it.

Acknowledgement of the application

44. Provided all of the above has been adhered to, you should as soon as practicable send an acknowledgement of receipt to the applicant. Where it has not been adhered to then the application is not duly made and the authority is under no obligation either to acknowledge the “application” or process it further.

Serving notice of the application

45. You should, as soon as reasonably practicable after receiving a duly made application, publicise notice of receipt of the application in accordance with regulation 4(1)(b), (2) and (3) of the 2013 Regulations (as amended by the 2016 Regulations). The form of the notice is prescribed in Schedule 2 to the 2013 Regulations¹⁸. The notice provides key information relating to the authority and the application itself, including a map and textual description of the land. Where the application relates to more than one parcel, each separate parcel should be described. The date the application was given to the authority must also be inserted in the notice.
46. The notice of application must be publicised through the following ways:

¹⁸ Regulation 4(3) of the 2013 Regulations provides that the notice must be in the prescribed form or in a form substantially to the same effect with such insertions or omissions as are necessary in any particular case.

- publication on the authority’s website;
- email a copy to any person who has provided an email address for the purpose of being notified (of all deposits); and
- in respect of a landowner statement, so as to bring it to the attention of users of the land, post a copy of the notice at or near at least one obvious entry point to the land for at least 60 days.¹⁹

47. There is no specified length of time for which the notice should be retained on the authority’s website. However, you should consider whether to keep it there for the same 60 day duration as the site notice.

48. You should maintain a single distribution list of email addresses of persons who wish to be notified by email of deposits of highways statements, highways declarations and landowner statements. When supplying an email address, the person opts in to receive notice of all deposits received by the authority.

49. In respect of landowner statements, the site notice is to be posted at “at least one obvious place of entry” to the land to which the application relates, or where there are no such places, at least one conspicuous place on the boundary of the land. You will need to consider how many site notices are required in each individual case in order to bring the application to the attention of users of the land. This is likely to depend on how many parcels of land the application relates to and how such land is accessed. For example, where an application relates to two contiguous parcels of land (parcels A and B) and parcel B can only be accessed via one entry point to parcel A, an authority may consider it sufficient for one notice to be placed at the obvious place of entry to parcel A. Remember to include a copy of the map of the land.

50. The site notice is required to be present for not less than 60 days. However, where the notice is removed, obscured or defaced (through no fault of the authority) before the 60 days have elapsed, the authority will be treated as having complied with the requirement.

Recording the application in the register

51. You are advised to record each duly made application in the relevant register (paper and website versions) as soon as practicable after receipt of it. You need to record:

- a copy of the statement;
- a copy of the map of the land and any legend which accompanies or forms part of the map;
- the name and address (incl. postcode) of the person who made the statement;
- the date on which the authority received the statement and map;

¹⁹ The 2016 Regulations removed the requirement for notices to be posted on the land in respect of highways statements or declarations.

- details of the land on the map, including the Ordnance Survey grid reference of a point within each parcel; the name of the parish, ward or district; the address of buildings on the land which have a postcode; the name of the nearest town or city;
- (for highways declarations only) the date on which the 20 year period elapses; and
- (for highways declarations only) a unique reference number allotted to the declaration.

52. Regarding the mapping of land, there are no requirements relating to the colours of the boundary of the land and the authority is advised to continue with existing practice.

Removing an entry from the register

53. You have the power to remove an entry, or any part of an entry, which contains a material error in the map or statement in question, but must give the landowner at 12 least 28 days' notice before doing so. For example, if an authority receives an application which purports to deposit a highways declaration for parcels A, B and a landowner statement for parcel C, but at the time of the application the applicant was in process of buying parcel C and did not yet own it, then the statement for parcel C would in Defra's view be invalid and you could remove this part of the entry.

Fees

54. Applications must be accompanied by the appropriate fee²⁰, if any is specified by the authority. The 2013 Regulations do not provide any fee amounts: instead the authority has the power to set fees. A fee specified by the authority must be reasonable for the application of that type. The power allows different fees for different types of application. The following are examples of why the authority may wish to consider setting different fees for different purposes:

- applications which relate to **either** highways deposits (highways statements or highways declarations) or the deposit of a green landowner statement; or
- applications which relate to deposits under **both** highways and greens regimes.

55. The authority is advised to keep fees under review to ensure that amounts are commensurate with the authority's costs.

²⁰ Regulation 2(2)(d) provides that an application must be accompanied by such reasonable fee (if any) specified by the appropriate authority for an application of that type.

Where can the application form be found?

56. The form is prescribed in Schedule 1 to the 2013 Regulations. A copy of the Regulations can be found at the www.legislation.gov.uk website (search SI 2013/1774).

Chapter 2: Exclusion of the right to apply under section 15(1) of the 2006 Act

57. Unless stated otherwise all references in this chapter to ‘application’, ‘the right to apply’, and ‘exclusion’ should be taken to mean (respectively) an application under section 15(1) of the 2006 Act to register land as a green, the right to apply for the same and exclusion of the right to apply for the same.

What has changed?

58. Section 16 of the 2013 Act amended the law on registering new greens by inserting a new section 15C and Schedule 1A into the 2006 Act.

59. Section 15C(1) of the 2006 Act excludes the right to apply when a prescribed event, known as a ‘trigger event’, has occurred within the planning system in relation to that land.

60. At any time when the right to apply is excluded in respect of land, a commons registration authority cannot accept any application to register that land as a green. The right to apply remains excluded until and if a corresponding ‘terminating event’ occurs in respect of the land.

61. The trigger and terminating events are set out in Schedule 1A to the 2006 Act, which is inserted by section 16 of, and Schedule 4 to, the 2013 Act. The list of trigger and terminating events was amended on 11 February 2014 by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014 (SI 2014/257).

62. A copy of the legislation can be found at www.legislation.gov.uk.

What is a trigger event?

63. Trigger events are events related to the development of land which occur within the planning system. Where any such event has occurred in relation to land, the right to make an application for registration of that land as a town or village green is excluded.

64. The full list of trigger events is set out in the first column in Schedule 1A to the 2006 Act. Some examples of trigger events include:

- the first publication of an application for planning permission for the land, which will include circumstances where planning permission is subsequently granted;

- the publication by the local planning authority of a draft local plan or neighbourhood plan²¹ proposal which identifies the land for potential development;
- the adoption or making by the local planning authority of a local plan or neighbourhood plan which identifies the land for potential development;
- a proposed application for development consent under the Nationally Significant Infrastructure project regime is first publicised by the applicant;
- an application for development consent under the Nationally Significant Infrastructure project regime which has been accepted by the Secretary of State (in practice the Planning Inspectorate) is first publicised by the applicant;
- a draft local development order or neighbourhood development order first published for consultation; and
- the publication of a notice of application for deemed planning permission in respect of Transport and Works Act 1992 orders.

65. There are fourteen trigger events in Schedule 1A (as amended by the 2014 Order), each of which relates to a specific planning mechanism. For each trigger event, there are a number of corresponding terminating events – explained below - also specified in Schedule 1A. The local planning authority or authorities and the Planning Inspectorate, as appropriate, will have information as to whether a trigger event or terminating event has occurred in relation to the land.

66. Note that there are no trigger events in relation to permitted development rights. Therefore the exclusion will not apply to land on which permitted development has taken place, unless a trigger event has occurred in relation to that land for another reason.

67. If a trigger event has occurred on land then the right to apply to register it as a green is excluded. Therefore a commons registration authority cannot accept any application to register that land as a town or village green. This rule applies even where a trigger event occurred prior to the commencement of section 15C.

68. The legislation allows new trigger events to be added through secondary legislation, as well as existing trigger events to be amended or omitted.

What is a terminating event?

69. Every trigger event has corresponding “terminating events”. Where the right to apply has been excluded because a trigger event has occurred, if one of the corresponding terminating events occurs this will mean that the right to apply again becomes exercisable. From that point it will be possible to apply to register land as a town or

²¹ Schedule 1A to the 2006 Act refers to a ‘development plan document’ and ‘neighbourhood development plan’ but they are generally referred to as ‘local plans’ or ‘neighbourhood plans’.

village green. As with trigger events, this rule applies even where a terminating event occurred prior to the commencement of section 15C. Note the position may be more complex where more than one trigger event has occurred in relation to the land (see paragraph 101).

70. Terminating events are set out in the second column of Schedule 1A to the 2006 Act (as amended by the 2014 Order). For example, the corresponding terminating events for the publication of an application for planning permission in relation to land are: (a) withdrawal of the planning application; (b) a decision to decline to determine the planning application is made under section 70A of the Town and Country Planning Act 1990; (c) where permission is refused, all means of challenging the refusal in the UK are exhausted and the decision to refuse planning permission is upheld (or the time limit for an appeal expires without such an appeal being made); and (d) where the planning application is granted, the period within which the development to which that permission relates expires without the development having been begun.
71. The legislation allows new terminating events to be added through secondary legislation, as well as existing terminating events to be amended or omitted.

Who is affected by the change?

72. Both commons registration authorities and prospective applicants are directly affected. The key question for both parties is whether the right to apply has been excluded in relation to the relevant land.
73. Commons registration authorities cannot consider an application where the right to apply has been excluded for that land. Therefore the commons registration authority will need to determine whether the right to apply has been excluded or not, even where an applicant is not aware of any exclusion.
74. Where the commons registration authority knows that an application is imminent, but that the right to apply has been excluded in respect of that land, it may wish to advise the would-be applicant that the right to apply has been excluded. It will need to be certain that the right is not exercisable if it elects to do this, but this could prevent wasted effort on the part of the applicant.
75. There will be cases where would-be applicants may not be aware of the exclusion and submit an application without prior discussion with the commons registration 16 authority. Even so, if the right has been excluded for that land then the commons registration authority must refuse to consider the application.
76. When determining whether an application under section 15(1) may be made within the period of grace allowed by section 15(3)(c), i.e. where recreational use of the land as of right has ceased, any period during which the right to apply is excluded is to be disregarded. In other words, any period of grace would pause when a trigger event

occurs, and if a corresponding terminating event subsequently occurred, then the period of grace would start running from where it left off.

77. For example, a trigger event occurs in relation to land at a time when six months of the grace period remains. If a corresponding terminating event occurs on that land, then the period during which the right to apply was excluded will be disregarded and there would be a further six months during which an application for registration of land as a green could be made.
78. To a lesser extent local planning authorities and the Planning Inspectorate are also affected by the legislative change, because as overseers of the planning system, they will hold information on whether a trigger or terminating event has occurred in relation to land. The commons registration authority relies on local planning authorities and the Planning Inspectorate providing confirmation of whether trigger or terminating events have occurred in relation to land.

How will I (the commons registration officer²²) know if the right to apply is excluded?

79. On receipt of an application, you will need to write to:
- each local planning authority for the land to which the application relates; and
 - the Planning Inspectorate,
- for written confirmation of whether any trigger or terminating events have occurred in relation to the land, and the details of any such events. They will need to know what land is affected so you will need to provide them with a copy of a map of the land. Those confirmations will enable you to decide whether the right to apply under section 15(1) of the 2006 Act has been excluded.
80. An example letter is provided at Annex A, which given the technical complexity of trigger and terminating events, and that such events are overseen by planning authorities and the Planning Inspectorate you are strongly advised to use. The example letter takes account of the additional trigger and terminating events which were inserted by the 2014 Order.
81. The local planning authority will be able to advise on the trigger and terminating events added by the 2014 Order.
82. If a trigger event has occurred but a corresponding terminating event has not, then the right to apply is excluded, in which case you must refuse to accept an application.

²² In the remainder of this Chapter, references to 'I' and 'you' mean the relevant commons registration officer or person carrying out that function.

83. It must be stressed that although a trigger event may have occurred in relation to land, a corresponding terminating event also could have occurred, meaning that the right to apply is again exercisable. If confirmation of whether a corresponding terminating event has occurred is not sought then you cannot know for certain that the right to apply is excluded. Note the position may be complex where more than one trigger event has occurred in relation to the land (see paragraph 101).
84. Each relevant local planning authority and the Planning Inspectorate will need to know the exact location and extent of the land, so a copy of the application map should be enclosed with your letter. If a relevant trigger event and/or a corresponding terminating event has occurred, the letter asks them to return your map (or provide their own) and clearly show the land on which the event(s) occurred. This will be important in cases where only part of the land in question is subject to a trigger or terminating event, or where a mixture of scenarios apply to different portions of the land, e.g. a trigger event applies to a small portion of the land but the remainder is not subject to a trigger event.
85. If confirmation is received from a local planning authority or the Planning Inspectorate that a trigger event has occurred (but no corresponding terminating event has occurred) in relation to the land, the right to apply is excluded and the applicant should be informed that the application cannot be accepted unless and until a corresponding terminating event occurs.
86. You can consider an application as normal where either:
- a) no trigger event has occurred; or
 - b) a trigger event has occurred but a corresponding terminating event has also occurred in relation to the land, which has therefore caused the exclusion of the right to apply to lift.

Don't I need to formally accept an application before checking whether the right to apply is excluded?

87. No, you are advised to seek confirmation on whether the right to apply is excluded in relation to the land prior to formally accepting or acknowledging receipt of an application. This is because if the right is excluded then the application should not be accepted, and this extends to written confirmation of receipt of the application.
88. The rationale for this approach is to avoid time and money being spent advertising and making representations in relation to an application where it subsequently turns out there was no right to apply.
89. However, as a matter of courtesy, you may wish to call the applicant to confirm physical receipt of the documents. In doing so, you should make it clear that this does not constitute formal acceptance or acknowledgement that the application is valid. You can explain that advice from each local planning authority and the Planning

Inspectorate is needed before your authority can reach a view on whether or not to accept the application.

Which is the relevant planning authority?

90. You will need to contact each local planning authority which has responsibility for the land in question, and also the Planning Inspectorate. There could be more than one local planning authority which exercises functions in relation to the land in question. The basic position is as follows:
- within Greater London the London borough council will be the local planning authority;
 - in metropolitan areas outside London the local planning authority will be the metropolitan district council;
 - in non-metropolitan areas, the local planning authority functions will be shared by the district council and county council or held by a unitary authority; and
 - certain other bodies, for example National Park authorities, the Broads Authority, and Mayoral Development Corporations will also exercise local planning authority functions in respect of land in their areas.
91. In areas where there are more than one local planning authorities with responsibility for the land (e.g. county and district councils), you will need to contact each of these, plus the Planning Inspectorate.
92. If the land in question crosses the boundary of several planning authorities then, as they will each be responsible for their portion of the land, each should be contacted to confirm whether a trigger event or corresponding terminating event has occurred in relation to its portion.
93. Where responsibility for town and village green registration and planning functions are housed in the same authority, in unitary authorities for example, you are still advised to seek written confirmation as to whether trigger or terminating events have occurred from your planning department. In such cases, you will still need to write to any other local planning authority with responsibility for part of the land, and to the Planning Inspectorate.
94. The Planning Inspectorate has responsibilities for certain trigger events. For example this is the case where planning permission has been refused by the local planning authority, but the matter is referred on appeal to the Planning Inspectorate. The Planning Inspectorate also deals with applications for development consent under the Nationally Significant Infrastructure project regime on behalf of the Secretary of State. This is why the Planning Inspectorate must always be contacted when determining whether a trigger or terminating event has occurred.
95. The Planning Inspectorate can be contacted at:

The Planning Inspectorate
Customer Support Team
Room 3/13 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Email: enquiries@pins.gsi.gov.uk
Telephone: 0303 444 500

What if the exclusion applies to only part of the land?

96. For the portion of land not subject to the exclusion, the application should proceed as usual. This is consistent with how commons registration authorities already deal with applications which can only be approved in part. But for the portion of land on which the right to apply has been excluded then the applicant should be informed that that portion of the land cannot be considered for registration as a new green.

What happens where no trigger event has occurred on the land?

97. The application should proceed to determination as normal.

What happens where an application is submitted just before a trigger event occurs?

98. If the application is made before the trigger event has occurred then it should be considered in the usual way.

What happens where the period of grace commenced before both a trigger event and its corresponding terminating event occurred?

99. The trigger event causes the period of grace to pause. But when the terminating event occurs and the right to apply is again exercisable then the period of grace picks up where it left off. See the example at paragraph 77.

What happens where a trigger event and its corresponding terminating event has occurred on the land?

100. Then the right to apply is again exercisable and the commons registration authority can accept an application for consideration as normal. Note this assumes that only one trigger event has taken place in relation to the land.

What happens where more than one trigger event has occurred on the land?

101. Where more than one trigger event has occurred, the right to apply will be excluded if and until a corresponding terminating event has occurred in relation to each trigger event.

What happens where a trigger event occurred on land prior to the commencement of the new legislation?

102. The right to apply is excluded in relation to that land. It does not matter how long ago a trigger event occurred prior to the commencement of section 15C – if no corresponding terminating event has occurred in respect of land since that trigger event, then the right to apply for registration of a green is not exercisable.

What happens where a local plan was adopted in, say 2009, which has identified the land in question for development?

103. The adoption of that local plan would constitute a trigger event and the right to apply would be excluded unless and until a corresponding terminating event occurs. Where, for example, that plan has been revoked or a policy identifying land for development has been superseded, then either of these would be a terminating event and the right to apply would no longer be excluded.

What happens where a corresponding terminating event occurred on land prior to the commencement of the new legislation?

104. Then the exclusion does not apply as the occurrence of the corresponding terminating event causes the exclusion to lift (assuming no other trigger event has occurred), and an application can be submitted as normal.

What if I receive an application under section 15(8) of the 2006 Act?

105. The change in the law does not affect such applications, so the application should be considered as normal.

Annex A: Template letter to local planning authorities and the Planning Inspectorate seeking their confirmation of trigger and terminating events

I write on behalf of [insert name of commons registration authority] which has received an [enquiry or application under section 15(1) of the Commons Act 2006 to register] land at [insert description of land] as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration under the Commons Act 2006 by the Growth and Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events (“trigger events”) has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the 2006 Act (as inserted by Schedule 4 to the 2013 Act). A copy can be read here:

www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted. The list of trigger and terminating events was extended by the Commons (Town and Village Greens) (Trigger and Terminating Events) Order 2014. A copy can be read here: www.legislation.gov.uk/uksi/2014/257/contents/made.

Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in the box further below, and return the completed form and any relevant maps to me at the postal or email address above.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior 25 April 2013, it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not my authority can accept an application for registration of a green. This decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to [insert names of planning authority or authorities] and the Planning Inspectorate. Please notify me if you aware that any other

authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by **[insert date two weeks from the date of the letter]**.

I confirm that <u>no trigger or terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred, but no corresponding terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred but a corresponding terminating event has also occurred</u> on the land	
Further information (Please use this box to explain the type and date of the trigger or terminating events.)	
Details of officer completing this form Name: Address: Email: Phone:	

Commons Act 2006 - Sections 15(1) and (2)
Application to Register Land as Town or Village Green - Northfield Playing Field, Winsley
Appendix 6 - Planning Trigger and Terminating Event Consultation Replies

From: [Wilmott, Mike](#)
Sent: 04 March 2021 11:11
To: [Green, Janice](#)
Subject: RE: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Janice,

In terms of planning applications, there are none that are currently with us or have been recently refused and subject to appeal. It would appear that the only application on the site dates back to 1983 and the bypass days, and that one was withdrawn (although obviously the bypass was subsequently built)

So from a planning application angle, I am not aware of any trigger events on this land.

Regards,

Mike Wilmott
Head of Development Management
Economic Development & Planning

Wiltshire Council

From: Green, Janice <janice.green@wiltshire.gov.uk>
Sent: 03 March 2021 14:08
To: Wilmott, Mike <Mike.Wilmott@wiltshire.gov.uk>
Subject: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Dear Mike,

Commons Act 2006 – Sections 15(1) & (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley

We are in receipt of a new application to register land as a town or village green, at Northfield Playing Field, Winsley. The application was received by Wiltshire Council as the Commons Registration Authority on 1st March 2021.

Please find attached planning trigger and terminating event consultation letter, I would be very grateful for your reply by 15th April 2021.

Thank you for your help in this matter.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: janice.green@wiltshire.gov.uk

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<http://www.wiltshire.gov.uk/recreation-rights-of-way>

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Web: www.wiltshire.gov.uk

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From: [Enquiries](#)
Sent: 16 April 2021 10:30
To: [Green, Janice](#)
Subject: RE: Application to Register Land as Town/Village Green
(Trigger Event Consultation) - Northfield Playing Field,
Winsley, Wiltshire
Attachments: [PINS FINAL RESPONSE.docx](#)

Hi Janice,

Thanks for your email and apologies for the delay in responding.

Please see attached PINS final response regarding your query on this Commons Act 2006 Schedule 15 case. I hope this is helpful.

Regards,

Ian Goodall
Customer Team Advisor

Putting the customer at the heart of everything we do!

 The Planning Inspectorate

Room 30, Temple Quay House,
2 The Square, Temple Quay, Bristol, BS1 6PN

Email: enquiries@planninginspectorate.gov.uk
Helpline: 0303 444 5000
Direct: 0303 444 5334

twitter: @PINSgov

web: www.gov.uk/government/organisations/planning-inspectorate

We are continuing to work through the implications to our casework and our workforce in response to the developing coronavirus (COVID-19) pandemic. To ensure that you are aware of our latest guidance, advice and news at this difficult time, please go to: <https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>

This communication does not constitute legal advice. Please view our Information Charter before sending information to the Planning Inspectorate

From: Green, Janice <janice.green@wiltshire.gov.uk>
Sent: 03 March 2021 14:15
To: Enquiries <Enquiries@planninginspectorate.gov.uk>
Subject: Application to Register Land as Town/Village Green (Trigger Event Consultation) - Northfield Playing Field, Winsley, Wiltshire

Dear Sir or Madam,

Commons Act 2006 – Sections 15(1) & (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley, Wiltshire

Wiltshire Council, as the Commons Registration Authority (CRA), are in receipt of a new application to register land as a town or village green, at Northfield Playing Field, Winsley, Wiltshire. The application was received by the CRA on 1st March 2021.

Please find attached planning trigger and terminating event consultation letter, I would be very grateful for your reply by 15th April 2021.

Thank you for your help in this matter.

Kind regards,

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN



Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

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DPC:76616c646f72



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Commons Act 2006 -Section 15

**Application to Register Land as a Town or Village Green at Northfield
Playing Field, Winsley, Wiltshire**

I confirm that no trigger or terminating event has occurred on the land

X

**I confirm that a trigger event has occurred, but no corresponding
terminating event has occurred on the land**

**I confirm that a trigger event has occurred but a corresponding terminating
event has also occurred on the land**

**Further information: (please use this box to explain the type and date of the
trigger or terminating events)**

Details of officer completing this form:

Name: Ian Goodall

**Address: Customer Support Team, Room 3/O, The Planning Inspectorate,
Temple Quay House, 2 The Square, Bristol, BS1 6PN**

E-mail: enquiries@planninginspectorate.gov.uk

Telephone: 0303 444 5000

From: [Winslow, Geoff](#)
Sent: 12 March 2021 09:41
To: [Green, Janice](#)
Cc: [Clampitt-dix, Georgina](#)
Subject: RE: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley
Attachments: [Northfield Playing Field, Winsley TGV application Mar 2020.doc](#)
[Wiltshire_Housing_Site_Allocations_Plan_Appendix_A._North__West_HMA_Part_1.pdf](#)

Hi Janice

Please find attached my response to the above application.

Regards

Geoff Winslow

Manager – Spatial Planning

Spatial Planning

Tel: 01225 713414

Email: geoff.winslow@wiltshire.gov.uk

Website: www.wiltshire.gov.uk

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From: Clampitt-dix, Georgina <georgina.clampitt-dix@wiltshire.gov.uk>
Sent: 09 March 2021 09:56
To: Winslow, Geoff <Geoffrey.Winslow@wiltshire.gov.uk>
Subject: FW: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Geoff,

Would you please be able to arrange for a response to be sent to this? The key will be whether this is in the settlement boundary.

Kind regards

Georgina Clampitt-Dix
Head of Spatial Planning
Economic Development and Planning

Wiltshire Council

Tel: 01225 713472
Email: georgina.clampitt-dix@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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From: Green, Janice <janice.green@wiltshire.gov.uk>
Sent: 03 March 2021 14:06
To: Clampitt-dix, Georgina <georgina.clampitt-dix@wiltshire.gov.uk>
Subject: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Dear Georgina,

Commons Act 2006 – Sections 15(1) & (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley

We are in receipt of a new application to register land as a town or village green, at Northfield Playing Field, Winsley. The application was received by Wiltshire Council as the Commons Registration Authority on 1st March 2021.

Please find attached planning trigger and terminating event consultation letter, I would be very grateful for your reply by 15th April 2021.

Thank you for your help in this matter.

Kind regards,

Janice

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: janice.green@wiltshire.gov.uk

Information relating to the way Wiltshire Council will manage your data can be found at:

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Date: 12 March 2021

Janice Green
Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Your ref: JG/PC/250

Dear Ms Green

Commons Act 2006 – Sections 15(1) & (2)
Application to Register Land as a Town or Village Green - Southwick Court Fields, Southwick and North Bradley

I refer to your letter and enclosures dated 3 March 2020 in connection with the above matter.

Having considered the application and supporting documentation I am writing to confirm that no trigger events, as defined in Schedule 1A to the Commons Act 2006, have been engaged.

The land the subject of this application, lies adjacent to, but nonetheless outside the recently revised and now adopted 'settlement boundary' (otherwise known as the 'limits of development'¹) for the Large Village of Winsley (map attached). As such, Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy would apply as the land in question would be considered to be situated in open countryside. Hence the general presumption in favour of sustainable development would not automatically apply.

In addition, the land in question has not been allocated for development, or indeed considered in the context of it being potentially suitable for development in the local development plan. In this regard I am mindful of the High Court ruling in the *Cooper Estates Strategic Land v Wiltshire Council [2019 EWCA Civ. 840]* case.

As we know, in that ruling the judge determined that land at Vowley View and Highfold was within the 'settlement boundary' of Royal Wootton Bassett at the time the application to register the land as a town or village green was made. In the mind of the judge, this meant that Core Policy 1 and Core Policy 2 of the Wiltshire Core Strategy created a presumption in favour of sustainable development in a number of named towns (including Royal Wootton Bassett) and so the land in question had clearly been identified for potential development. As a

¹ Limits of Development are defined in the adopted Wiltshire Core Strategy (January 2015) and linked to Core Policies 1 and 2

consequence, the right to apply for registration of a town or village green in respect of the land at Vowley View and Highfield had to be suspended.

In the application before me and as outlined above, the land known as Northfield Playing Field is clearly situated outside the current adopted 'settlement boundary' for Winsley and hence the circumstances pertaining to the *Cooper Estates Strategic Land v Wiltshire Council* case do not apply. Therefore, in determining this application no trigger event or corresponding terminating event has occurred.

For the reasons set out above, the application should proceed.

Yours sincerely

Geoff Winslow

Manager – Spatial Planning

Spatial Planning

Tel: 01225 713414

Email: geoff.winslow@wiltshire.gov.uk

Website: www.wiltshire.gov.uk

Wiltshire Council

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

Application to Register Land as a Town or Village Green – Southwick Court Fields, Southwick and North Bradley

I confirm that <u>no trigger or terminating event has occurred</u> on the land	X
I confirm that <u>a trigger event has occurred, but no corresponding terminating event has occurred</u> on the land	
I confirm that <u>a trigger event has occurred but a corresponding terminating event has also occurred</u> on the land	

Further information (please use this box to explain the type and date of the trigger or terminating events):

The land the subject of this allocation lies outside the recently revised and now adopted 'settlement boundary' for the Large Village of Winsley. It *[the land the subject of this application]* would therefore be considered, for the purposes of Core Policy 1 and Core Policy 2 of the adopted Wiltshire Core Strategy as lying in open countryside where the general presumption in favour of sustainable development would not automatically apply.

Details of Officer completing this form:

Name: Geoff Winslow

Address: Wiltshire Council, Spatial Planning, Economic Development and Planning

E-mail: geoff.winslow@wiltshire.gov.uk

Telephone: 01225 713414



Wiltshire Housing Site Allocations Plan

Appendix A:
North and West HMA Part 1
Amended Settlement Boundaries

Adopted February 2020

Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as large print and audio.

Please contact the council by telephone 0300 456 0100, by textphone 01225 712500, or email customerservices@wiltshire.gov.uk

如果有需要我們可以使用其他形式（例如：大字體版本或者錄音帶）或其他語言版本向您提供有關威爾特郡政務會各項服務的資訊，敬請與政務會聯繫，電話：0300 456 0100，文本電話：(01225) 712500，或者發電子郵件至：customerservices@wiltshire.gov.uk

Na życzenie udostępniamy informacje na temat usług oferowanych przez władze samorządowe hrabstwa Wiltshire (Wiltshire Council) w innych formatach (takich jak dużym drukiem lub w wersji audio) i w innych językach. Prosimy skontaktować się z władzami samorządowymi pod numerem telefonu 0300 456 0100 lub telefonu tekstowego (01225) 712500 bądź za pośrednictwem poczty elektronicznej na adres: customerservices@wiltshire.gov.uk

ولڈشائر کونسل (Wiltshire Council) کی سروسز کے بارے میں معلومات دوسری طرزوں میں فراہم کی جاسکتی ہیں (جیسے کہ بڑی چھپائی یا آڈیو ہے) اور درخواست کرنے پر دوسری زبانوں میں فراہم کی جاسکتی ہیں۔ براہ کرم کونسل سے 0300 456 0100 پر رابطہ کریں، ٹیکسٹ فون سے (01225) 712500 پر رابطہ کریں یا customerservices@wiltshire.gov.uk پر ای میل بھیجیں۔

يمكن، عند الطلب، الحصول على معلومات حول خدمات مجلس بلدية ويلنتشير وذلك بأشكال (معلومات بخط عريض أو سماعية) ولغات مختلفة. الرجاء الاتصال بمجلس البلدية على الرقم 0300 456 0100 أو من خلال الاتصال النصي (تيكست فون) على الرقم 712500 (01225) أو بالبريد الإلكتروني على العنوان التالي: customerservices@wiltshire.gov.uk

North and West Wiltshire Housing Market Area

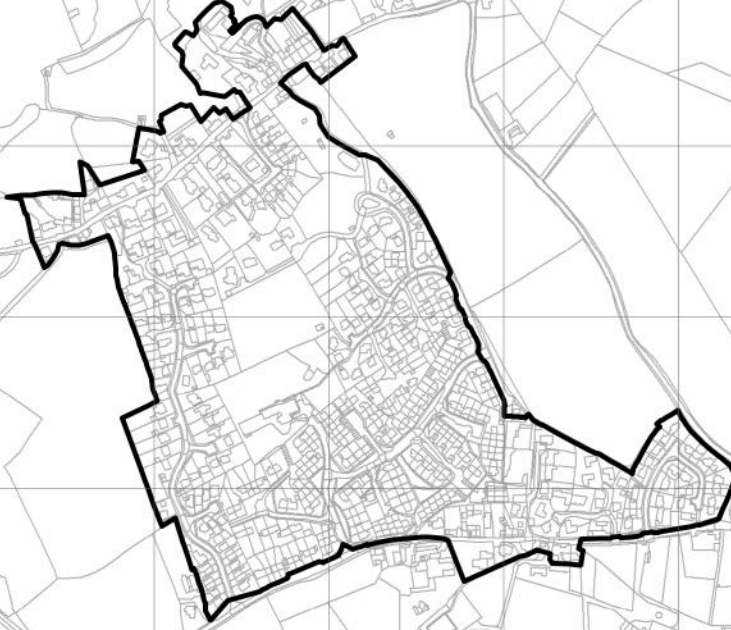
Bradford on Avon Community Area

A.26 The following settlement boundaries in the Bradford on Avon Community Area have been reviewed by the Wiltshire Housing Site Allocations Plan:

- Westwood, and
- Winsley

A.27 The settlement boundaries for Bradford on Avon and Holt have not been reviewed because of neighbourhood plans.

Westwood



 Settlement Boundary (2020)

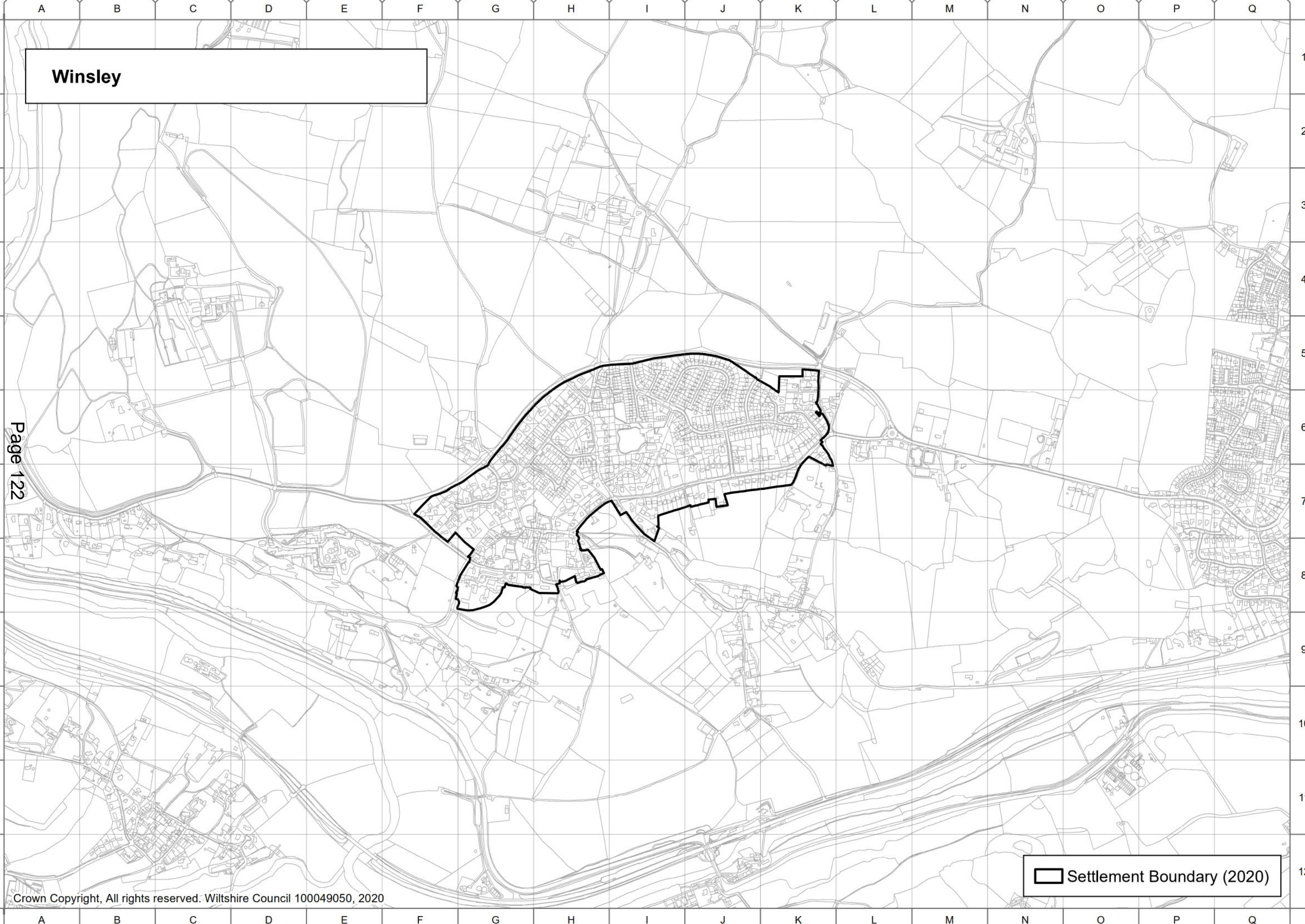
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Winsley

Page 122



 Settlement Boundary (2020)

A B C D E F G H I J K L M N O P Q

This document was published by the Spatial Planning team, Wiltshire Council, Economic Development and Planning Services.

For further information please visit the following website:

<http://www.wiltshire.gov.uk/wiltshsgsiteallocationsplan.htm>

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This page is intentionally left blank

From: [REDACTED]
Sent: 30 November 2021 10:43
To: [Green, Janice](#)
Subject: Winsley TVG Application

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I do NOT support Winsley Parish Council's application for the small amount of land at the end of Northfield to be registered as a TVG.

I have lived in Winsley for over 35 years and have only ever seen this small area (a left-over piece of land following the completion of the eastern end of Winsley bypass - B3108) used by small boys kicking balls around on an irregular basis. This has been observed by myself and/or my wife on our almost daily walks in and around the village.

It certainly could not be described as a playing field, much less a 'village green', since it is too small and too close to the bypass and other houses for this purpose. Indeed I believe it's best use would be for the building of a few additional houses (preferably low cost/social housing)

A much better description and location for the village TGV would be the field opposite the entrance to Dorothy House, which has been and continues to be used as a playing field and could be used for the other activities associated with a TGV. Unfortunately I believe it is owned by Dorothy House, even if it is not now used by them as a overflow carpark since their council approved additional parking arrangements have been completed.

Many regards

Brian Cooper

[REDACTED] The Mead
Winsley
BA15 2 [REDACTED]

Sent from Samsung Mobile on O2

From: [Murali Bandaru](#)
Sent: 30 December 2021 22:11
To: [Green, Janice](#)
Cc: [REDACTED]
Subject: Re: Application to Register Land as TVG - Northfield
Playing Field, Winsley
Attachments: [Letter to Council from BK Land and Estates Limited.doc](#)

Follow Up Flag: Follow up
Flag Status: Completed

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 8th November attaching formal Notice of the above detailed application in Form 45.

I write to confirm that it is my intention to object to this application and do not agree to my land being registered as a town or village green.

From my initial review of the application, I do believe that there may be a possibility that one of the 'trigger' events in the legislation may apply, thereby preventing the application from being submitted.

I am in the process of seeking further professional advice on the applicant's case and on the planning designation of the land and will then revert to you with my written submissions and supporting evidence.

Thank you for agreeing the extension of time for me to prepare my written submissions. I note the new deadline is 5pm on Tuesday 15th February 2022.

P.S: please find the same in an attachment for your reference.

Yours sincerely
Murali Bandaru
BK Land and Estates Limited

On Mon, Nov 8, 2021 at 8:42 AM Green, Janice <janice.green@wiltshire.gov.uk> wrote:

Dear Mr Bandaru,

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

Application to Register Land as Town/Village Green – Northfield Playing Field, Winsley - Ref: 2021/01TVG

Wiltshire Council are in receipt of an application to register land at Northfield Playing Field, Winsley, as a town or village Green, as shown on the enclosed plan. It is claimed that the land has qualified for registration as a town or village green on 1st March 2021 by virtue of the playing field at the end of Northfield, Winsley, having been used by a significant number of local people in lawful sports and pastimes 'as of right' on the land for well over 20 years and continual use as a recreational field since the 1960's and which continues to be well used and valued by Winsley residents.

Please find enclosed notice of the application for your attention. Notice of the application will also be placed in the Wiltshire Times on Friday 12th November and posted on site. The application in full will be made available for public inspection at Wiltshire Council's Offices at County Hall, Trowbridge, between 9am and 5pm, (please ask at reception to view a copy).

If you would like to make any representations or objections regarding the proposals, I would be very grateful if you could forward them to me in writing, at the above address, not later than 5:00pm on Friday 31st December 2021.

Yours sincerely

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: janice.green@wiltshire.gov.uk

Information relating to the way Wiltshire Council will manage your data can be found at:

<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Ms Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

By Post & Email: janice.green@wiltshire.gov.uk

29 December 2021

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 8th November attaching formal Notice of the above detailed application in Form 45.

I write to confirm that it is my intention to object to this application and do not agree to my land being registered as a town or village green.

From my initial review of the application, I do believe that there may be a possibility that one of the 'trigger' events in the legislation may apply, thereby preventing the application from being submitted.

I am in the process of seeking further professional advice on the applicant's case and on the planning designation of the land and will then revert to you with my written submissions and supporting evidence.

Thank you for agreeing the extension of time for me to prepare my written submissions. I note the new deadline is 5pm on Tuesday 15th February 2022.

Yours sincerely

Murali Bandaru
BK Land and Estates Limited

From: [Murali Bandaru](#)
Sent: 15 February 2022 11:28
To: [Green, Janice](#)
Cc: [Hannah Taylor](#)
Subject: Northfield Playing Field Ref: 2021/01TVG Ref MFG
Solicitors:MA:BKL00001.0001
Attachments: [10758937 NorthfieldPFTVGObjectionStmt.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 15th December 2021 confirming the extension of time for us to lodge our formal submissions in respect of the above application.

Please now find attached Objection Statement.

I should be grateful if you would acknowledge safe receipt by return, please, and confirm whether you would like a hard copy to be sent by post.

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

OBJECTION STATEMENT ON BEHALF OF BK LAND & ESTATES LIMITED

1. This Objection Statement ("OS") is made in response to an application dated 1 March 2021 ("the Application") by Winsley Parish Council ("the Applicant") to register land known as Northfield Playing Field ("the Application Land") as a new town or village green ("TVG") pursuant to section 15(2) of the Commons Act 2006 ("the 2006 Act"). This OS is made on behalf of BK Land and Estates Limited ("BKLE"), the registered freehold proprietor of the Application Land which is registered at HM Land Registry under Title No WT6674.

Statutory Criteria for Registration

2. The Application is made pursuant to section 15(2) of the 2006 Act which means the Applicant must establish that *"a significant number of the inhabitants of any locality, or 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"*.

... a significant number ...

3. The “significant number” component has never been formally defined but in *R (McAlpine) v Staffordshire County Council* [2002] EWHC 76 (Admin) (“*McAlpine*”) Sullivan J said “... ‘significant’, although imprecise, is an ordinary word in the English language and little help is to be gained from trying to define it in other language ...”. What matters “... is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individual trespassers”, para [71].
4. More recently, in *R (on the application of Lewis) v Redcar and Cleveland Borough Council* [2010] UKSC 11 (“*Redcar*”), at para [75] Lord Hope, very much echoing what Sullivan J said in *McAlpine*, said “... The question is whether the user by the public was of such amount and in such manner as would reasonably be regarded as being the assertion of a public right ...”.
5. However, only recreational use by members of the public from the claimed locality, or neighbourhood within a locality, will contribute to the “significant number” test given that the test is “a significant number of the inhabitants of any locality or neighbourhood within a locality”. In other words, use by people that do not come from the claimed locality or neighbourhood will not contribute to the “significant number” test and to the extent that evidence of such use is adduced, it must be discounted for the purposes of determining an application to register land as a new TVG.

... of the inhabitants of any locality or of any neighbourhood within a locality

...

6. A “locality” must be an area known to the law such as a borough, parish or manor, *Ministry of Defence v Wiltshire County Council* [1995] 4 All ER 931, 937. In contrast, a “neighbourhood within a locality” need not be a recognised

administrative unit or an area that is known to the law (in other words it does not have to meet the same stringent criteria that applies to establishing a locality). A housing estate can be a neighbourhood, *McAlpine*, as can a single road, *R (on the application of Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust) v Oxford County Council* [2010] EWHC 530 (“*Warneford Meadow*”). However, a neighbourhood cannot be just any area drawn on a map. It must have some degree of cohesiveness, *McAlpine*. That cohesiveness must be established by evidence. Furthermore, if an applicant relies upon a neighbourhood, they must also identify the locality within which the neighbourhood is located.

... have indulged as of right ...

7. For user to be “*as of right*” it must be user that has been without force, without secrecy and without permission (traditionally referred to as *nec vi, nec clam, nec precario*). In *Redcar*, referring to the three criteria that must be met for user to be “*as of right*”, Lord Rodger said “... *their sense might be best captured by putting the point more positively: the user must be peaceable, open and not based on any licence from the owner of the land*”, para [87].
8. In *R (Beresford) v Sunderland City Council* [2004] 1 AC 889, at para [72], Lord Walker observed that “*as of right*” has sometimes been likened to “*as if of right*”. Since the House of Lords’ decision in *R v Oxfordshire County Council, ex parte Sunningwell* [2000] 1 AC 335 (“*Sunningwell*”) it has been settled that the subjective belief of the users as to whether they were permitted to use the land in question is irrelevant.
9. The basis for the creation of rights through user “*as of right*” is that the landowner has acquiesced in the exercise of the right claimed (in the case of applications to register a new TVG the period of user required is twenty years,

Dalton v Angus & Co (1881) 6 App Cas 740, 773) and the user can rely upon their long use to support a claim to the right enjoyed.

10. “*Force*” is not limited to physical force. User is by force not only if it involves the breaking down of fences or gates but also if it is user that is contentious or persisted in under protest (including in the face of prohibitory signage) from the landowner, *Smith v Brudenell-Bruce* [2002] 2 P & CR 4.
11. “*Stealth*” is user that is deliberately secretive. Such use will not satisfy the “*as of right*” test because such use would not come to the attention of the landowner and he could not, therefore, be said to have acquiesced in such use.
12. “*Permissive*” use is use ‘by right’ and is, therefore, incapable of being use “*as of right*”. The Supreme Court’s decision in *R (on the application of Barkas) v North Yorkshire County Council and Another* [2014] UKSC 31 is the most recent authority at the highest judicial level on the question whether user is ‘by right’.

... in lawful sports and pastimes ...

13. The term “*lawful sports and pastimes*” (“LSPs”) is a composite phrase that includes informal recreation such as walking, with or without dogs, and children playing and, indeed, any activity that can properly be called a sport or pastime. Lord Hoffmann in *Sunningwell* expressly agreed with what had been said in *R (Steed) v Suffolk County Council* (1995) 70 P & CR 487 about dog walking and playing with children being in modern life the kind of informal recreation which may be the main function of a village green. However, in *Warneford Meadow* the court interpreted the word lawful as excluding any activity that would constitute a criminal offence.

... on the land ...

14. It is not necessary for the whole of the land to have been used for LSPs; only that the land has been used generally in that manner. There may be land, for example, that has a pond on it or, as in *Oxfordshire County Council v Oxford City Council* [2004] Ch 253 ("*Trap Grounds*"), that is not wholly accessible for recreational use. The fact that some of the application land might have been inaccessible for use for LSPs does not preclude registration. It is not necessary for a registration authority to be satisfied that every square inch of a piece of land the subject of an application has been used.

... for a period of at least twenty years ...

15. In the case of an application made pursuant to section 15(2) of the 2006 Act the relevant twenty year period during which qualifying use must be established is the twenty years immediately preceding the date of the application. In this case that is the twenty year period from 1 March 2001 to 1 March 2021. Use must be continuous throughout the whole of the relevant twenty year period, *Hollins v Verney* (1884) 13 QBD 304.

Burden and Standard of Proof

16. The burden of proving that the statutory test is met lies firmly with the Applicant. It is no trivial matter for a landowner to have land registered as a TVG and all the statutory elements required to establish a new TVG must be "*properly and strictly proved*", *R (v Suffolk County Council, ex parte Steed* (1996) 75 P & CR 102, 111, *per Pill LJ*, approved by Lord Bingham in *Beresford* at para [2]. That means that if any part of the statutory test is not satisfied an application must fail as a matter of law. The standard of proof is the usual civil standard; the balance of probabilities.

Objection

17. BKLE objects to the Application on the following grounds:

- (i) The Application is not duly made as it does not adequately identify the locality or neighbourhood within a locality that is relied upon;
- (ii) User has not been as of right;
- (iii) The evidence provided in support of the Application (largely in the form of evidence questionnaires (“EQs”), whilst voluminous, is wholly inadequate to satisfy the test under section 15(2) of the 2006 Act.

(i) *Locality / neighbourhood not adequately identified and Application not duly made*

18. The Application, as originally made, was clearly defective, as recognised by the Commons Registration Authority, Wiltshire Council (“the Council”), as amongst other things the original version of it described the locality or neighbourhood within the locality on whose behalf the Application was made as Winsley Parish, but attached two plans, one identifying the boundaries of the Parish and the other identifying the settlement boundary of Winsley.

19. As is permitted under regulation 5(4) of The Commons (Registration of Town or Village Green) (Interim Arrangements) (England) Regulations 2007 (“the 2007 Regulations”), the Council provided the Applicant with an opportunity to put its Application in order. The Applicant is entitled to a “reasonable opportunity” to do so. That, according to Arden LJ in *R (Church Commissioners for England) v Hampshire County Council* [2014] EWCA Civ 634; [2014] 1 WLR 4555, at paragraph [60] means “... only ... a short opportunity to put matters right”.

20. On the Applicant’s second attempt, submitted to the Council under cover of correspondence dated 8 August 2021 (more than 5 months after the Application was originally received by the Council), in the Application the locality or neighbourhood within a locality was described as “*Exhibit C: Neighbourhood within the locality to which the claimed green relates*”. That is not a description of a

locality or a neighbourhood within a locality. Exhibit C is a plan that describes itself as “*locality of the claimed green*”. Even if the word locality is referable to the locality on whose behalf the application is made (rather than the locality – or location – of the Application Land) that is inconsistent with the entry in the application form wherein it indicates the Application is made on behalf of a neighbourhood.

21. Furthermore, even a cursory examination of the plan at “*Exhibit C*” reveals that the claimed neighbourhood or locality (if that is what it is said to depict) is insufficiently defined thereon. It appears to simply be a line drawn on a map (it does not follow the precise boundaries of the Winsley Settlement Boundary plan, for example). The map is of such poor quality that it is impossible to understand the exact boundaries of the claimed neighbourhood or locality if that is what it is meant to illustrate and it has not been identified by any meaningful name or description. The Applicant was permitted a period of in excess of 5 months to put its Application in order and it is still defective, almost a year after its receipt by the Council.

22. It is a part of the statutory test that the Application be made on behalf of a locality or neighbourhood within a locality. None has been properly identified. If a neighbourhood is relied upon it is noteworthy that the Applicant has adduced no evidence regarding the existence of any such neighbourhood and its cohesiveness. If a locality is relied upon the Applicant has failed to state by what name the area identified in Exhibit C is known to the law. Accordingly, the Application should now be rejected.

(ii) *User not ‘as of right’*

23. Without prejudice to the foregoing point that the Application is defective and should be rejected, it is submitted that the user relied upon was not ‘as of right’. Lord Walker, in the Supreme Court in *R (Lewis) v Redcar and Cleveland Borough*

Council (No 2) [2010] 2 AC 70 (“Lewis”) accepted as a general proposition that if a right is to be obtained by prescription the persons claiming that right “*must by their conduct bring home to the landowner that a right is being asserted against him so that the landowner has to choose between warning trespassers off, or eventually finding out that they have established the asserted right against him*” (emphasis added).

24. It cannot genuinely be said that the users of the Application Land (and no admission is made regarding the nature and extent of any of the claimed use) were asserting a right as against the owner of the land such that the owner had to choose between warning them off or them establishing a right.
25. It is understood that the Application Land was, at around the time the Tynning Estate was built in the 1960s, dedicated to Wiltshire Council for ‘highway purposes’. For a time the land was temporarily used as a play area with a view to that use continuing until such time as the Application Land was required for highway purposes. As it happens, the Application Land was never needed or used for highway purposes and the Council has essentially licensed the Applicant to use the Application Land for the provision of community recreation space.
26. The owner of the Application Land (whose land it thought had been forever lost to ‘highway purposes’) only became aware that its ownership subsisted in 2020 (the owner at that time and since it had developed the estate in the 1960s was Alfred Robinson (Builders and Contractors) Limited). The Oldham Estate Company Limited (who purchased the assets of Alfred Robinson (Builders and Contractors) Limited, including the Application Land, on 13 January 2021), sold the Application Land at auction to BKLE, days after the defective application had been submitted to the Council (but not yet advertised).
27. The Council (who had effective control over the Application Land given its dedication to highway purposes) had assumed authority to permit the

Applicant to use the Application Land for the provision of recreational space to local people. According to Parish Council minutes relating to a meeting on 26 March 1991 notification was provided that the Application Land was no longer needed and that it would be returned to the 'control' of the original developer (clearly demonstrating that the Council was in control of it to that point). The Parish Council minutes record that the clerk was to write to the Council to express its interest in the Application Land and to ensure that the Parish Council would be consulted before any decision in respect of the Application Land was made.

28. There is no evidence that the Council ever did return the Application Land to the 'control' of the original owner. The fact of its continuing ownership only came to the owner's attention when the Applicant contacted the owner regarding a separate piece of land in 2020. The Parish Council had continued to deal with the maintenance of the Application Land, holding itself out as having the authority to do so and as having the authority to permit members of the public to use the land. Many of the EQs state belief that the Applicant owned the Application Land. It is inconceivable in those circumstances that the landowner, who thought the Application Land had been dedicated to highway purposes and considered itself to have been divested of the obligations and opportunities of ownership, would have had any reason to object to use of the Application Land by local inhabitants.

29. In the circumstances it cannot possibly be concluded that any use of the Application Land by members of the community amounted to an assertion of any right as against the landowner that required the landowner to elect to either ignore its continuance or object to such use. The use relied upon by the Applicant cannot be properly described as use as of right.

(iii) Evidence inadequate to satisfy statutory test

30. This point is also advanced without prejudice to the preceding points which ought to each and both be fatal to this Application. On the whole the evidence contained in EQs is wholly inadequate to amount to sufficient evidence of use to justify registration of any piece of land as a new TVG. The evidence contained therein, such as it is, is so general and unspecific as to be of little probative value.

31. By way of just a few examples, the EQ of Suzanne Stark says she used the land between 1992 and 2007. She says in reply to a question about frequency of use "*many times when our children were young*". As evidence of use within the relevant application period that EQ is worthless because it does not give any information about whether that claimed activity actually occurred during the application period. The EQ of Richard and Pam Cornforth does not constitute evidence of qualifying use because their claimed use ceased in 1986. The same is true of Lucy Allison whose use ceased in 1993. The EQ of Mr and Mrs GV and JM Connor claims use between 1989 and 2021 yet in terms of frequency it says "*very often from 1989 with children and now with grandchildren*". Given the nature of that use it seems highly improbable that such use has been continuous from 1989 to 2021. There has inevitably been a period between children getting older and grandchildren coming along during which no use of the type claimed was made of the Application Land with either children or grandchildren within the period during which use has been claimed. That detail, as is almost always the case with EQ evidence, is absent and the exact nature and frequency of such use can only be established following cross examination at a public inquiry.

32. The aforementioned EQs are just a few examples (and there are many more) that speak to the wider point. The evidence so far produced by the Applicant, notwithstanding its first appearance as being extensive, in fact says very little as to the detail of the use actually made of the Application Land during the application period, any use outside that period being totally irrelevant to meeting the statutory test for registration.

Conclusion

33. For the reasons set out above the Application should be rejected. As presently made it is clearly defective and does not adequately address or satisfy that aspect of the statutory test relating to locality or neighbourhood. The Applicant has already had more than a reasonable period in which to put its Application in order and has failed to do so. That should be an end to this Application.
34. Furthermore, for the reasons set out above, this is clearly not an example of circumstances where the landowner could possibly have understood that in order to prevent prescriptive rights being acquired it needed to object to use of the Application Land. The Council was essentially custodian of the Application Land during the period it was dedicated to 'highway purposes'. It is not known whether the Council did ever 'return' the Application Land to the owner, as it should have done, although it appears that it did not. It permitted the Applicant to maintain the Application Land for public recreational use and give the public permission to use it. There can have been no reason for the landowner to object to such use if it was not aware of its entitlement to do so.
35. The EQ evidence is wholly insufficient to amount to adequate evidence of qualifying use. As was recognised in *R (v Suffolk County Council, ex parte Steed* (1996) 75 P & CR 102, the burden of proving that the statutory test is met lies firmly with the Applicant. It is no trivial matter for a landowner to have land registered as a TVG and all the statutory elements required to establish a new TVG must be "*properly and strictly proved*", per Pill LJ. The evidence so far produced falls a long way short of what is required.
36. The Council is invited to now reject the Application for any or all of the above stated reasons.

ROWENA MEAGER

No 5 Chambers

12 February 2022

Application No: 2021/01TVG

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**

**OBJECTION STATEMENT ON BEHALF OF
BK LAND & ESTATES LIMITED**

ROWENA MEAGER

No 5 Chambers

12 February 2022

EVELYN ALLEN
Bradford Road,
Winsley, Bradford-on-Avon,
Wiltshire BA15 2

30.01.2022

Mrs Janice Green
Rights of Way and Countryside Team

Dear Madam,

Most children and young people in Winsley live in small houses with very small gardens, For this reason I think it is important that there are safe green spaces in the village where they can play. Northfield Playing Field should therefore be registered as a Town & Village Green.

Yours sincerely

From: [Jane Baddeley](#)
Sent: 30 December 2021 19:46
To: [Green, Janice](#)
Subject: 2021/01TVG Northfields Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

I used Northfields playing field frequently between 1998 and 2004 after I moved to Winsley. I used to meet my friends there and I assumed it was a village amenity.

Dr Ben Baddeley
[REDACTED] Maresfield Road
Brighton
BN2 5 [REDACTED]
[REDACTED]

Sent from my iPad

From: Jane Baddeley [REDACTED]
Sent: 30 December 2021 19:32
To: Green, Janice
Subject: Northfields 2021/01TGV

Follow Up Flag: Follow up
Flag Status: Flagged

My family moved to Winsley in Wiltshire in 1998. We have 3 sons who were aged 9,12 and 14. They often played on the field known as Northfield in the Tying estate. Many other children played there without obstruction. There were football goal posts and ground for children to socialise on. The field was a happy part of the childrens' life in the village and it was so nice that they had somewhere outside the home to meet up.

Jane Baddeley
[REDACTED]
Bradford Road
Winsley
BA15 2 [REDACTED]
Sent from my iPad

From: [Jane Baddeley](#)
Sent: 30 December 2021 19:55
To: [Green, Janice](#)
Subject: 2021/01TVG Northfields Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to support the designation of Northfields as common land protecting its use for future generations of people. I used the land after moving to Winsley in 1998 until I left in 2007. It was a wonderful village amenity and I met most of my friendship group there. We often just met up to play and as we got older to socialise.

Julian Baddeley
[REDACTED] Mandarin Wharf
[REDACTED] De Beauvoir Crescent
N1 5 [REDACTED]

Sent from my iPad

From: [Jane Baddeley](#)
Sent: 30 December 2021 19:38
To: [Green, Janice](#)
Subject: 2021/01TVG Northfields Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

I moved to Winsley in 1998 when I was 12. I loved playing football and I went with other local kids to the land at Northfield as often as I could; after school, in the holidays and at weekends. It was where I met my friends and I thought it was a village football pitch. It was an important part of my life.

Dr Robin Baddeley
[REDACTED] Meadowside
TW1 2 [REDACTED]
[REDACTED]

Sent from my iPad

From: [TIM BADDELEY](#)
Sent: 30 December 2021 19:29
To: [Green, Janice](#)
Subject: support for Northfield in Winsley 2021/01TVG

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

We came to Winsley in 1998, and while my three boys were growing up they were frequent visitors to the field, where they would hang out with their friends. Two of them were keen on kicking a ball around, and the other one just met his friends socially. As teenagers they loved being there on Summer nights, chatting in the gathering darkness. It was just their spot.

I hope this helps. We are really keen that other young people will have the chance to do these things in the future. Young people need to be encouraged to be outdoors, and this is an ideal spot, being slightly separate from the rest of the village, but still just nearby.

Thank you,

Tim Baddeley

From: [TIM BADDELEY](#)
Sent: 30 December 2021 19:33
To: [Green, Janice](#)
Subject: 2021/01TVG

Follow Up Flag: Follow up
Flag Status: Completed

Sorry - you might need my address:

Tim Baddeley
[REDACTED]
Bradford Rd
Winsley BA152 [REDACTED]

[REDACTED]

From: [Janet Baker](#)
Sent: 21 December 2021 14:56
To: Green, Janice
Cc: [christopher baker](#)
Subject: Northfield Playing Field - Application to Register as a
Town and Village Green

Follow Up Flag: Follow up
Flag Status: Flagged

For the attention of Janice Green

My husband and I wish to strongly support the Parish Council's application to register Northfield Playing Field (NPF) as a Town and Village Green (TVG).

We moved to [REDACTED] Tynning Road, Winsley in 1987 with our two children aged 10 and 8. One of the reasons we were attracted to the property was because there was a safe area for our children to be able to play at NPF. NPF is close to our house and with no major roads to cross. Our children used it frequently for playing cricket and other ballgames. Other children that lived close by regularly used the goalposts and nets situated on the field for football practice. As teenagers, our children would often use NPF as a meeting place with their friends in the neighbourhood.

In recent years our four grandchildren, aged between 7 and 9, who regularly stay at our home, have used NPF to play ballgames many times.

For the 34 years that we have lived near NPF it has always been a freely accessible area with no fencing and no signs limiting use or access. NPF has been constantly maintained by the council with the grass regularly cut. We were completely baffled when we heard that NPF was up for sale at auction. Many residents including ourselves who were dismayed by the prospect of children in the area no longer having access to play in NPF offered donations to try to purchase the field.

It is now fenced off and private property signs have been erected. The grass is overgrown and we have since heard that grass verges in Tynning Road have been sold at auction too. Surely, these limited green areas should be protected especially as many front gardens are now paved or shingled.

By preventing use of NPF children in the neighbourhood will resort to playing in the road which is an unsafe option.

The Tynings housing estate was built in the late 1960s and consequently NPL has been used for over 50 years. We believe that its regular use for over 50 years for lawful sports and pastimes "as of right" qualifies the land to have Town and Village Green status. We consider that the Parish Council's application to register NPF as a TVG is totally justified.

Yours sincerely

Janet and Chris Baker

From: [Valerie Ball](#)
Sent: 29 November 2021 14:38
To: [Green, Janice](#)
Subject: Winsley Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to register my support for Winsley Parish Council's application to register the Northfield Playing Field as a Town & Village Green. I have lived in Winsley for over 40 years & both my children have made use of this facility in the past.

When there is so much concern for the erosion of green spaces I can see no justification for allowing anything other than Village Green status for this precious site.

Yours faithfully,

Mrs V Ball

From: John Barnes [REDACTED]
Sent: 08 December 2021 10:39
To: Green, Janice
Cc: Kidney, Johnny; Winsley Parish Council
Subject: Winsley Parish Council Town & Village Green Application
for Northfield Play Area

Dear Ms Green

I fully support Winsley Parish Council's application to establish the "Northfield Play Area" as a Town and Village Green.

The only interest ever shown in this land has been by residents and the local Parish Council, the latter having maintained it by grass cutting and putting in goal posts. (The original goal post, which had been there as long as I can remember, was replaced at the request of local young people a year or so ago.)

Winsley Parish Council has been working with Wiltshire Council on Tree Preservation Orders. The Tree Officer has nominated 3 trees on this land for inclusion along with many more within the Parish.

Best regards
John Barnes
[REDACTED] Late Broads
Winsley
BA15 [REDACTED]

From: [John Barnes](#)
Sent: 23 December 2021 10:16
To: [Green, Janice](#)
Subject: Re: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

Your e mail came as something of a surprise.

When the current landowner purchased the Playing Field the fact that it was within the Green Belt, outside of the Winsley Settlement Area and subject to a TVG application by the Parish Council was information all available to him and in the public domain.

Having purchased the land he then proceeded to erect a fence so preventing the community from using a play area to which there had been unfettered access since the 1970's.

That the new closing date for submissions more or less coincides with the expiry of the moratorium on the Asset of Community Value Status of the land is noted.

Meantime the condition of the Play Area deteriorates.

Yours sincerely
John Barnes

On 22 Dec 2021, at 15:01, Green, Janice <janice.green@wiltshire.gov.uk> wrote:

Dear Mr Barnes,

Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley
Ref: 2021/01TVG

Further to my previous e-mail on this matter, I am writing to advise you that the landowner has requested an extension to the time limit of 31st December 2021, for submitting their response in full. It is certainly beneficial for all parties that their submissions are as full and complete as possible and this request for additional time has been granted until Tuesday 15th February 2022. Therefore, if you would like to submit

any additional information regarding the application, further to your email dated 8th December, please do so in writing by 5:00pm on 15th February 2022.

Kind regards,

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN
<image004.png>
Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Report a problem: <https://my.wiltshire.gov.uk/>

Web: www.wiltshire.gov.uk

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[<image002.png>](#) [<image003.png>](#)

Follow Wiltshire Countryside

[<image002.png>](#) [<image003.png>](#)

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From: [Marc Bartholomew](#)
Sent: 01 December 2021 08:34
To: [Green, Janice](#)
Subject: Northfield - Winsley
Attachments: [Winsley Northfield.docx](#)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice,

I hope your well, I have attached a letter from my family regarding the field at the end of Northfield in Winsley.

Could you send a quick response so I know you have received this.

Many thanks and Merry Christmas! (To soon, I hope not)

Marc Bartholomew

Mr M and Mrs T Bartholomew
[REDACTED] Ashley Lane
Winsley
BA15 2 [REDACTED]

9 November 2021

Miss J. Green
Senior Definitive Map Officer
Rights of Way and Countryside Team
Wiltshire Council
County Hall
Trowbridge BA14 8JN

Dear Miss Green

Northfields Playing Field, Winsley

We are writing to you as a family discussion has just taken place at the dinner table, which included my 4 and 6 year old children being most saddened that they have to ask for the chance to play in the field they have been using for many years.

We are very upset that the field at the end of Northfield is now (after 60 plus years of use and maintenance) no longer usable. I am sure you are aware of how it has been used for the last 6 decades - by young and old, clubs such as cubs, scouts and guides, for football, kite flying, cricket, walking exercise classes and picnics. We back onto the field and have seen how much it has been enjoyed by the community.

It has occurred to us that the village of Winsley has very little green space. Everyone assumes that as you are in a village you have big gardens and lots of grassy space to enjoy; this is simply not the case. I see that new housing estates have a requirement for green space and this is obvious and apparent with Wiltshire and Somerset Councils' policies. If you look at the whole of Winsley it has only the small park near the school; there are no other green spaces to visit, enjoy and use for exercise. The housing estates were presumably built before the green space policy came in. If a new housing estate was to be built it would be a requirement to make green spaces on the estates.

Surely Winsley residents should be given the opportunity to continue enjoying something they have invested in for so long.

I look forward to a positive outcome from this.

Yours sincerely

Marc, Tiggy, Kiki and Dassi Bartholomew

From: [Veronica Bassett](#)
Sent: 18 December 2021 10:55
To: [Green, Janice](#)
Subject: TVG Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice Green

I wish to add my name as a householder at Broomground, Winsley for nearly 50 years to support the Parish Council's application to register Northfield Playing Field as a TVG.

I have used the field many times in the past exercising my dogs, playing games with my two daughters when they were young, and also kicking a football around with my grandson in recent years.

I have also noticed the use of the field by many other local residents, and would be very indignant to see that right of use taken away.

Yours sincerely

Mrs Veronica Bassett

Sent from [Mail](#) for Windows

From: Clive Bolshaw [REDACTED]
Sent: 30 November 2021 19:37
To: Green, Janice
Subject: Winsley Parish Northfield Playing field Village Green Application

Follow Up Flag: Follow up
Flag Status: Flagged

Attention : Janice Green (Rights of Way and Countryside Team)

Dear Ms Green

Along with so many other residents of Winsley , my wife and I strongly support the application for village Green status for the Northfield playing field made by Winsley Parish Council. We have lived in Northfield for the past 26 years and in all that time we have seen the Northfield playing field constantly used by local children (including our children and their friends) and their parents for all manner of games and sports (eg football, cricket , tennis , frisbee etc etc). The Northfield playing field has always been regarded by Winsley residents as a safe ,pleasant green space for children's play ,away from traffic and freely available to all without requiring anyones permission. Indeed , it did not occur to local residents that the playing field , which has been well maintained by the parish council over all the years of its existence (and which is in a Green Belt!) was not under the formal control of the parish council. The village of Winsley contains many young families with growing children who would greatly benefit from continuing access to a safe , open air space for healthy outdoor play in the same way that our children did as they grew up.

Please support Winsley Parish Councils application for Village Green status for the playing field to ensure that this invaluable asset to village quality of life is not lost to future generations purely as a result of an attempt for personal profit by people with no connection with , or regard for , Winsley and it's residents.

Best Regards

Clive Bolshaw
[REDACTED] Northfield
Winsley
BA15 [REDACTED]

Sent from my iPad

From: [Trish Bowles](#)
Sent: 21 December 2021 10:57
To: [Green, Janice](#)
Subject: Winsley Playing Field at Northfield

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

We are contacting you with regard to the 'Town and Village Green' application relating to Northfield playing field in Winsley.

This land is an important resource for the children who use it. We are both over 60 years of age and we have known the land in question to be used by children and parents alike for generations in the past. We cannot understand why the land in question has been fenced off so it cannot continue to be used as a village amenity. We note that the ownership of this piece of land has changed but the new owners appear to have given themselves a right to fence off the land so it cannot be used. The land is an important resource for the village. We call upon Wiltshire Council to restore this green space for the children to use. We understand that an application has been lodged by Winsley Parish Council and we hope that this will be dealt with swiftly.

The village residents deserve to have this facility reinstated without further delay.

Thank you for your help.

Kind regards

Steve and Trish Bowles

██████████ Winsley, Bradford on Avon, Wiltshire. BA15 █████

From: [Rebecca Burvill](#)
Sent: 31 January 2022 20:07
To: [Green, Janice](#)
Subject: Northfield playing field Winsley

Hello Ms Green,

Ref. Winsley Parish Council's application to designate Northfield playing field as a Village Green has been extended until Tuesday 15th February.

Northfield has been used by a large number of local people for football, exercise, picnics and birthday parties amongst other pastimes, by our household for 12 years but the neighbourhood for more than 50 years. The loss of this open space for public access is very sad and my children in particular are incredibly sad to have been blocked from our local greenspace. Please, please keep this space open to public access.

Regards,

Rebecca Burvill

█ yning Road, Winsley BA15 █

From: [Rachel Cawte](#)
Sent: 10 February 2022 00:09
To: [Green, Janice](#)
Subject: Northfields consultation Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

My family has used the field at Northfield Winsley for many years for recreation - in particular my children have used it for football, ball games, etc with friends. My son had an outdoor birthday party on the field with football and a picnic with friends. We have lived in Winsley since 2005 and used the field on numerous occasions. The field is a valuable community asset.

Regards,

Rachel Cawte.

Sent from my iPhone

From: [Sandra Cole](#)
Sent: 29 December 2021 20:24
To: [Green, Janice](#)
Subject: Winsley Parish Council's application to designate Northfield Playing Field as a Village Green

Follow Up Flag: Follow up
Flag Status: Completed

We wish to support Winsley Parish Council's application to designate the Northfield play area as a Village Green.

We lived in Bradford Road until the early nineties and during that time our children regularly used the field to meet with friends for exercise and sport. More recently, we have lived in Saxon Way and witnessed the local Scout group using the field for their outdoor activities, children playing ball games with friends and adults exercising. The Parish Council has cut the grass and maintained the area to a high standard. Last year saw the provision of replacement goal posts, which made the facility even more attractive to young people – until the area was fenced off and the public barred from the site.

Northfield play area is a valuable community facility and since it has been used for recreational use by the public for over 20 years should be reinstated as such.

K & S Cole

Sent from [Mail](#) for Windows

From: Grenville Connor [REDACTED]
Sent: 17 December 2021 09:18
To: Green, Janice
Subject: Northfield Playing Field, Winsley - Town and Village Green Application.

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Janice.

Please acknowledge my wife and I's support for the application.

We have been living at [REDACTED] Northfield, Winsley, since 1990.

At that time we had two very young children who used the field, as we obviously did. It was also a nice safe place for them to learn how to ride a bicycle safely and just play in a safe environment. Likewise, we have seen many children and families using the field for recreation purposes ever since.

We have watched our children grow up and leave the nest. However, we now have 3 Grand Children who also use (well used to) the field for playing.

It was good to see that the Parish Council took the steps to replace the Goal Posts and were in the process of putting in some seats (took a long time!).

We found it rather strange that the land was not actually owned by the PC and they have maintained it ever since we have lived here. Perhaps they caught a cold with that one so let's hope this can be approved and get the field back being used again.

Just as an addition. Although we wish the application to take place and be approved, it would not be welcome for the PC to just spend ridiculous amounts of money to purchase and own the land. We understand that the PC will be given the first opportunity to purchase. The current owners were fools to actually pay the amount that they did and just cannot expect to recoup the money back. Although the amount of money needs approval, it also needs to be shared with the community to actually see "How our money will be spent".

Kind regards,
Grenville and Jeannette CONNOR.

From: [Grenville Connor](#)
Sent: 22 December 2021 12:09
To: [Green, Janice](#)
Subject: Re: Northfield Playing Field, Winsley - Town and Village Green Application.

Follow Up Flag: Follow up
Flag Status: Flagged

Morning Janice and thank you for the reply and update.

Hmmm, you mean more delaying tactics by the land owners and legal team perhaps?
I have no doubt they will do whatever to try and delay and oppose the TVG, (in my opinion of course).
Call me suspicious, but I see a few spanners being thrown in the works as they say, (Hopefully not of course).
I've met and spoken with the current landowner and will leave it there.

Would you be so kind and give the procedure/time frames of what happens from the 15th February?
Any other information you are able to disclose would be very much appreciated.

Thanks once again and have a good Christmas.

Kind regards,
Grenville CONNOR.

> On 22 Dec 2021, at 07:37, Green, Janice <janice.green@wiltshire.gov.uk> wrote:

>

> Dear Mr and Mrs Connor,

>

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

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

> Ref: 2021/01TVG

>

> Thank you for your e-mail regarding the above-mentioned application to register land in the parish of Winsley as a Town or Village Green. I note your support for the application and your additional evidence regarding use of the land. All of the evidence received will be fully considered within the Wiltshire Council decision report on the application.

>

> Please note that the landowner has requested an extension to the time limit of 31st December 2021 for submitting their response in full. It is certainly beneficial for all parties that their submissions are as full and complete as possible, therefore this request for additional time is granted until Tuesday 15th February 2022. Therefore, if you would like to submit any additional information regarding the application, further to your email, please do so in writing by 5:00pm on 15th February 2022.

>

> As part of the application process, at the close of the consultation period, all representations will be forwarded to the interested parties, i.e. the Applicant and the Objector, for comment.

>
> Good Morning Janice.
>
> Please acknowledge my wife and I's support for the application.
>
> We have been living at [REDACTED] Northfield, Winsley, since 1990.
>
> At that time we had two very young children who used the field, as we obviously did.
> It was also a nice safe place for them to learn how to ride a bicycle safely and just play in a safe environment.
> Likewise, we have seen many children and families using the field for recreation purposes ever since.
>
> We have watched our children grow up and leave the nest.
> However, we now have 3 Grand Children who also use (well used to) the field for playing.
>
> It was good to see that the Parish Council took the steps to replace the Goal Posts and were in the process of putting in some seats (took a long time!).
>
> We found it rather strange that the land was not actually owned by the PC and they have maintained it ever since we have lived here.
> Perhaps they caught a cold with that one so let's hope this can be approved and get the field back being used again.
>
> Just as an addition.
> Although we wish the application to take place and be approved, it would not be welcome for the PC to just spend ridiculous amounts of money to purchase and own the land.
> We understand that the PC will be given the first opportunity to purchase.
> The current owners were fools to actually pay the amount that they did and just cannot expect to recoup the money back.
> Although the amount of money needs approval, it also needs to be shared with the community to actually see "How our money will be spent".
>
> Kind regards,
> Grenville and Jeannette CONNOR.
> -----
>
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From: [David and Margaret Cottrell](#)
Sent: 02 December 2021 16:08
To: [Green, Janice](#)
Subject: Winsley's Green Space

Follow Up Flag: Follow up
Flag Status: Flagged

To Wiltshire Council.

Dear Sirs,

We support Winsley Parish Council's application to register Northfield Playing Field as a Town and Village Green by virtue of its use by parents and children of the village using the area for lawful sports activities and pastimes.

It has always been understood by Winsley residents that this was an area intended for their use as part of the parish with the Parish Council maintaining the grounds.

We look forward to Wiltshire Council recognising this right.

Yours faithfully

David and Margaret Cottrell,

■ White Horse Road,
Winsley. BA15 2■

From: [Robin Davies](#)
Sent: 14 February 2022 13:52
To: [Green, Janice](#)
Subject: Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green-My wife and I live at ■■■ Tynning Road, Winsley the next street to the Northfield Playing Field which is the subject of an application for registration as a town and village green. I was on the Parish Council until the expiry of my second term at the time of the last election cycle. My wife and I came to live in Winsley in 1997 and for that 24 years the field was open to the public for use as a recreational area and for children to play in. Indeed I would often take my own daughter there when she was young. Like everyone here I was amazed to find that it was not officially designated as an area for use by the public as of right but was still owned by the original developer of the Tynning Road Estate and liable to be sold and public access withdrawn at any time. We very much hope this situation can be rectified and the Parish Council's application approved. Thank you.

Robin and Sarah Davies (Mr)

From: Diana Deal [REDACTED]
Sent: 19 December 2021 10:39
To: Green, Janice
Subject: Northfield Playing field, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice Green,

I am writing to support Winsley Parish Council's application to register Northfield Playing Field as a Town and Village Green.

The field is the only significant open space on the Tynings development. My husband and I, together with our then-young children, moved to the village in 1998. We have considered it as public open space available for anyone to use ever since then.

Yours sincerely,

Diana Deal
[REDACTED] Bradford Road, Winsley

From: Diana Deal [REDACTED]
Sent: 13 February 2022 18:58
To: Green, Janice
Subject: Northfields, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I am writing to support Winsley Parish Council's application to designate Northfield Playing Field as a village green. We brought up our three children (now all in their late twenties, early thirties) in Winsley and always assumed that the land was available for residents to use.

I know that at some time, probably in the late 1980s, there was a plan to erect a skate park on the land although it never went ahead.

Yours sincerely,

Diana Deal

From: [sarah dodd](#)
Sent: 05 January 2022 10:27
To: [Green, Janice](#)
Subject: Winsley green space

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

Happy new year!

I realise I have missed the deadline but felt it would be important to send this anyway. I live in the village with young children. We know how many children (in particular) use that playing field for recreation. Whether it is to play co-ordinated games, or to learn to play a game or simply to let off some steam, the field is used by the community. It is an important space for us.

I support the Parish Council's application to register Northfield Playing Field as a TVG.

Thank you

Sarah Dodd

From: David Easterbrook [REDACTED]
Sent: 01 December 2021 18:42
To: Green, Janice
Subject: Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green.

We would like to add our names to the list of those supporting the application to have Northfields Playing Field designated a Town and Village Green.

In the late sixties and early seventies we lived in Winsley .Our two children attended the primary school at the end our road. They often used ,with their friends, the field in question . It was a valuable local asset and we feel it's use over many years justifies this designation. We did move away with my job but returned in 1982 to our present address Yours sincerely

David and Brenda Easterbrook.

[REDACTED] Millbourn Close

Winsley

BA15 [REDACTED]
[REDACTED]

From: [Peter Eley](#)
Sent: 14 February 2022 21:39
To: [Green, Janice](#)
Subject: Northfield Playing Field - Town and Village Green
Application and Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

FAO Janice Green, Rights of Way and Countryside team

Dear Ms Green

I am writing to support the application by the Winsley Parish Council to register Northfield Playing Field as a Town and Village Green - by virtue of its use by a significant number of local people in lawful sports and pastimes, as of right', for over 20 years.

I am a resident of Winsley and I am submitting this email as a statement or letter of support for the above application.

With many thanks

Peter Eley
■ Murhill
BA2 ■

From: [David Forbes](#)
Sent: 01 December 2021 21:48
To: [Green, Janice](#)
Subject: Village Green - Northfield Road Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice,

I write regarding the application for a village green at Northfield Road, Winsley.

We have used that space since we moved into the village, many football games, frisbee games, and a sack and a rest on sunny days have been enjoyed by my family and our neighbours in that space. I can say that the land came into its own for us in March and April 2020 when that first lock down arrived and our children were able to play there for their hour a day outdoor time on occasions and lots of time since then. Sometimes it is the simple and fun activities on a grassy patch of land which help make these quiet, enjoyable moments of village life that we wanted when we choose to live in this village.

Quite recently the Winsley Parish Council invested good money into goal posts for the field (to replace the dilapidated one) and they have helped maintain its upkeep for many years. Whilst we have only lived in the area for a short time, 5 years, it seems clear that it came as a bit of a surprise to many when the land was put up for sale. At the least it was confusing for most residents given the amount of community use over a long period of time. It leaves me thinking, if this is not a village green space, then what is?

Our household wholeheartedly supports this application which seems to us to be a very convincing proposal on its own merits and we hope it will receive fair consideration by Wiltshire Council.

Yours sincerely,

David, Jo, Ben and Evie Forbes
[REDACTED] Northfield Road

From: [Edward Gilby](#)
Sent: 05 December 2021 12:54
To: [Green, Janice](#)
Subject: Winsley TVG application

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice

Thanks for all you are doing. You may remember we met when I brought the TVG to you. I think I read a summary of our application in an email a few weeks ago about the time it went out to public consultation.

I was under the impression that the summary is on display in County Hall but I can't find any email in my inbox. I expect I deleted it. Could you please email me a copy if there is one.

There has been great interest and support for the application in the village. It almost goes without saying that I wish to be counted among the supporters

With best wishes

Ed Gilby (Chair Winsley PC)

From: [Mary Golding](#)
Sent: 16 December 2021 13:08
To: [Green, Janice](#)
Subject: Northfield playing field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I wish to support the Parish Councils application regarding the registration of Northfield playing field being a town and village green. I feel it is very important for the local children to have some where safe to play. This facility encourages physical activity, thus reducing obesity. It also aids good mental health by being away from computer screens and promoting real face to face interaction and friendships

I understand that further housing development is not needed as local building has already exceeded the services that can be provided by the local Doctors and school. I have lived in Winsley for many years and have watched children enjoying this facility.

Yours sincerely
M.D. Golding
Millbourn Close
Winsley
BA15

From: [Robert Golding](#)
Sent: 16 December 2021 12:41
To: [Green, Janice](#)
Subject: Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I am a Winsley resident and have lived here for nearly 40 years. I wish to add my name to the list of supporters to the Parish Council's application registering the Northfield Playing Field being a Town and Village Green.

It is just about the only such green space available in the village and has been used as such since the Tynning Road estate was created, which predates my move to Wiltshire. It is certainly not needed for development as infilling and other local building has already exceeded capacity of schools and GP services to cope. Without this Playing Field I dread to think of the dangers school children might face if they have to travel for similar playing facilities.

Yours sincerely
R W F Golding
■ Millbourn Close
Winsley, BA15 ■

From: [David and Sue GOSLING](#)
Sent: 13 December 2021 10:13
To: [Green, Janice](#)
Subject: Northfield Playing Field-Winsley PC Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

May we please add our voices in support of the Winsley Parish Council application to register Northfield Playing Field as a Town and Village Green?

We join them in wishing to see that the field remains as a public amenity, open to use by all in the community, and that this should remain the case whoever owns the land. We understand that the field has been used as a playing field since the Tying estate was built, now more than fifty or so years ago, and it is distressing to see that it has already, under new ownership, been fenced around.

We see from Johnny Kidney's article in the current issue of the Winsley Weaver that he is also in support of registering the playing field and that other moves to cut down trees have been made in respect of verges. It does seem as if efforts to remove some of Winsley's open spaces are being made in, presumably, search of profit. Our protection is needed if the character of the area is not to change for the worse.

Kind regards,

David and Sue Gosling

 Turleigh, Bradford on Avon, Wiltshire, BA15 2 

From: [David Yeshe Green](#)
Sent: 02 December 2021 12:02
To: [Green, Janice](#)
Subject: TVG Northfield Winsley consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning. :)

I write in support of the continued community use of the grassed space at Northfield which was recently sold in the transfer of the freehold.

For many decades this land has been in continuous use for the amenity and enjoyment of residents of Winsley, especially those children on the Tynning Rd estate.

The value to the community is enormous as there is very little space on this side of the bypass which is suitable for children's play.

The retention of the parcels of land by the developer reminds me of the 'ransom strips' sometimes held in the hope that a resident would need access over them and would pay a premium. Since these parts of the estate are already in community or highways use there is no such commercial value to them.

Establishing TVG status is obviously a valuable step in securing the future community use of this space, and if at all possible I would like to suggest that other similar plots on the estate are also granted this status at the same time, to avoid a very protracted process if they were to be considered individually.

Kind regards

David Green

--

DAVID YESHE GREEN



From: [David Yeshe Green](#)
Sent: 02 December 2021 12:05
To: [Green, Janice](#)
Subject: TVG status for Northfield, Winsley

With reference to my email on this matter, my apologies for omitting my address:

[David Yeshe Green](#)

■ Tynning Rd

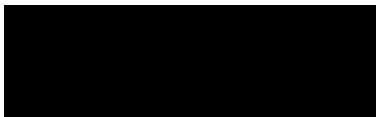
[Winsley](#)

[Bradford on Avon](#)

[BA15 2](#) ■

--

DAVID YESHE GREEN



From: [Bleddyn Griffith](#)
Sent: 05 December 2021 15:21
To: [Green, Janice](#)
Subject: Northfield Playing Field, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

As a resident of Winsley I am writing to support the PC's application to register Northfield Playing Field as a Town and Village Green.

Bleddyn Griffith

BA15 2 [REDACTED]

Get [Outlook for Android](#)

From: [Kathleen Hogan](#)
Sent: 04 December 2021 19:50
To: [Green, Janice](#)
Subject: Northfield Playing Field Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice Green

I have resided, and with my wife have brought up our two boys in Winsley over the last 23 years.

Throughout that time and along with other villagers we have frequently enjoyed unfettered access to Northfield playing field for ad hoc recreation purposes with our boys, including sports (kicking footballs, throwing rugby balls etc.) and picnics. In fact, the "playing field" was already in use as a recreation facility when we moved here in 1999. Although now in their twenties, the boys did still occasionally play outdoor games on the site with their friends. It has really been a sanctuary for youngsters (and families) this side of the village by-pass since we have lived here. During this time, the field, to the best of my knowledge, has been maintained by the Parish Council (Grass cutting, goal repairs, pest control etc).

As well as witnessing other local people using the facility (until recently unfenced) while I have lived here and furthermore I have never seen any overt notice to suggest the site was anything other than common land for recreation.

As Winsley residents, we as a family support the Winsley Parish Council's application to register the site as a Town and Village Green.

Kind regards

Terry Hogan (and family)

█ yning Road

Winsley

BA15 █

From: [David Hotham](#)
Sent: 30 November 2021 17:07
To: [Green, Janice](#)
Subject: Northfield Playing Field,Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing in support of the application by Winsley Parish Council to register Northfield Playing Field,Winsley, as a Town and Village Green. This field has been a local village amenity for at least the nearly 50 years we have lived in Winsley. It has been invaluable in keeping successive generations of children from playing on the roads.

My wife and I sincerely hope that Wiltshire Council will support the Parish Council application.

David Hotham
■ Broomground,
Winsley,
Bradford-on-Avon
BA15 ■

From: [Robert Howes](#)
Sent: 21 December 2021 10:39
To: [Green, Janice](#)
Subject: Northfield Playing Field, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I am writing to support Winsley Parish Council's application to register Northfield Playing Field, Winsley as a Town and Village Green.

I believe this land qualifies as a Town and Village Green by virtue of its use by a significant number of local people in lawful sports and pastimes, 'as of right', for over twenty years.

It is important that this field remain as a public amenity, open to use by all in the community. I understand that the field has been used as a playing field since the Tynning estate was built at the end of the 1960s. I therefore hope that Wiltshire Council will approve this application.

Thank you for your attention.

Yours faithfully,

Robert Howes

Fieldins, Winsley, Bradford on Avon, BA15

Green, Janice

From: Brian Hughes [REDACTED]
Sent: 31 December 2021 22:12
To: Green, Janice
Cc: winsleypc@gmail.com
Subject: NORTHFIELD PLAYING FIELD _ Support for Village Green Status

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Green,

We fully support Winsley Parish Council's application for Northfield Playing Field to be designated as a Village Green.

Having moved here in 1994 we have regularly walked around the area and in previous years played with our daughter and friends there when they were young. In the past have watched the lads having a game of football as we strolled by. We have also seen cricket, catch and Frisbee players. We have also taken the dog to have a sniff round on our way up to Ashley Lane.

I also recall that the Parish Council has paid for contractors to mow the grass many times a year.

It is a great local amenity being readily accessible by all on the Tynning Estate. Rural areas lack public parks and it is therefore doubly important that sites such as Northfield having been used as a public space for so long, should continue to be a public recreational amenity.

Now we are older we still see the need for public space for younger generations and strongly support the Parish Council's application.

Yours faithfully,
Brian and Ruth Hughes

From: [Suzanne Hughes](#)
Sent: 11 November 2021 10:52
To: [Green, Janice](#)
Subject: Northfield playing field, Winsley ref: 2021/01TVG

Follow Up Flag: Follow up
Flag Status: Flagged

FAO Miss J Green,
Senior Definitive Map Officer,
Rights of Way and Countryside Team,
Wiltshire Council, County Hall,
Bythesea Road, Trowbridge,
Wiltshire, BA14 8JN

Dear Miss Green,

I am writing to formally submit my support for the Town & Village Green application for Northfield playing field in Winsley to protect its use for recreation.

I have lived in Winsley since 2007 and my family have used this field for sports practice and outdoor play regularly since then. I have 3 school age children and open green spaces like this are a vital community asset for children in the village. However it is not only used by children for play, but is also well used by dog walkers, for exercise and many other purposes.

The Northfield field has been used by Winsley residents for play and recreation for over 60 years. It has been maintained for this purpose by Winsley Parish Council all this time. Football goals are installed on the field and have been in place for many, many years (for the 14 years I have lived here and I believe for many years before that) and have been recently replaced by the parish due to the demand of local children using the field.

The loss of our green recreation areas to development causes many issues, not just lack of amenity to the community. These areas are equally important for wildlife, biodiversity and reducing flood risk.

I urge Wiltshire Council to register Northfield playing field as a Village Green in order to protect its use for recreation for current and future generations of local residents, just like it has been for the last 60 years. It is well used and valued by the community.

Kind regards,
Mrs SJ Hughes
BA15 ■■■

From: [Beccy Janes](#)
Sent: 13 February 2022 16:37
To: [Green, Janice](#)
Subject: Northfields playing field village green application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I wanted to write to you to show our support for the Village Green application for Northfield playing field in Winsley.

This space has been used by generations of my family and until the purchase of the land was regularly used with our children. We used this area to enjoy the fresh air and play sports as an alternative to the village play area where there can often be younger children and so sometimes feels a safer option when kicking footballs etc.

Since the owners erected the fence and stopped access to this land we have truly missed using this space, it really was a wonderful asset to our village community.

We sincerely hope that the application will be successful and will help allow this space to be enjoyed again by all.

Yours sincerely,

Rebecca Janes

Sent from my iPhone

From: [carole_jenkins](#)
Sent: 09 December 2021 10:45
To: [Green, Janice](#)
Subject: Northfield Playing Field, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

We write in support of Winsley Parish Council's application to designate Northfield Playing Field as a Village Green.

This open space has been used for sports and pastimes especially by children for a number of years. It is a valuable green area especially for those on the Tynning estate in Winsley. This community amenity area has enabled generations of children to play safely within walking distance of their homes and without need to cross major roads.

I strongly support this application as this land should remain available so local residents can once again use the land for football, games, walking etc. as they have done since the Tynning estate was built.

Yours sincerely

Carole and Clive Jenkins

■ Cottles Lane

Carole
■

From: [Harold Jones](#)
Sent: 16 December 2021 12:46
To: [Green, Janice](#)
Subject: Northfield playing field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice

We, as residents living at [REDACTED] Broomground, Winsley for 35 years, wish to support Winsley Parish Council's application to register Northfield Playing Field as a Town and Village Green by virtue of its use by a significant number of local people for lawful sports and pastimes 'as of right' for over 20 years.

Yours sincerely

Harold and Helen Jones

From: [Sarah Kearney](#)
Sent: 18 January 2022 09:14
To: [Green, Janice](#)
Subject: Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I am writing to support Winsley Parish Council's application to register Northfield Playing Field as a Town and Village Green. It has been used as a place for children to play and get physical exercise for several generations and it is important to safeguard this small unique green space for all of us in our community to enjoy.

Yours sincerely,

Sarah Kearney
[redacted] Turleigh, Winsley, Wilts BA15 [redacted]
Tel: [redacted]

From: [Kidney, Johnny](#)
Sent: 29 December 2021 17:23
To: [Green, Janice](#)
Subject: 2021/01TVG - Application to Register Land as
Town/Village Green - Northfield Playing Field, Winsley

Dear Janice,

Many thanks for the opportunity to comment on the application made by Winsley Parish Council to register Northfield Playing Field as a Town/Village Green. I write to express my strong support for this application to protect a valued area of land that has served a vital function as public recreation space for more than half a century.

The playing field is located in the heart of the Tynning Road estate in Winsley, a large residential estate built in the late-1960s. The wider estate is notable for its relative lack of public green amenity space and I imagine that were the estate being built today, it would not be granted planning consent in its current form due to the shortage of public green space. The playing field at Northfield is the only space centrally located within the estate where a child can run around in safety and kick a football around or a family can have a picnic – which is exactly what generations of residents in the estate have done as of right for more than 50 years. My own children have played on the space on numerous occasions, and I have had conversations with older residents in the village who have happy memories of their children playing there back in the 1970s and 80s, and more recently the children of those children.

The important role that the space has played for the physical and emotional wellbeing of residents across the generations has perhaps been most marked during the Covid-19 pandemic. The playing field at Northfield was absolutely vital for residents as a space to take daily exercise, providing essential emotional and mental release for children who were experiencing unprecedented disruption to their education and freedom. To be able to use this space as a right and without question, just as previous generations had done, was more important than ever before.

Winsley Parish Council has tended to the playing years for many years, keeping the grass cut so young people could play sport. A goalpost was erected sometime in the 1970s, and a couple of years ago some children in the village wrote to the Parish Council asking if the old rusting post could be replaced with new goalposts. In response, the Parish Council invested in a new set of goalposts for the playing field. No-one apart from the local community and the Parish Council has shown any interest in the land for decades.

The Parish Council submitted this application to register the playing as a Village Green prior to the recent sale of the freehold of the land. The application was made known to the auctioneers who were asked to include this information within the sale particulars. There was also extensive publicity around the submission of the application. Any potential purchasers will therefore have had every opportunity to be aware of the intention to register this valued amenity space as a Village Green.

I wholeheartedly support the application to register Northfield Playing Field as a Town/Village Green so that future generations of young people in the Tynning Estate and wider village can continue to

benefit from the physical and emotional wellbeing of having a public green within the estate, just as previous generations have done over more than half a century.

Yours sincerely,

Johnny

Cllr Johnny Kidney

Wiltshire Council Member for Winsley and Westwood Division

(Incorporating the civil parishes of Winsley, Westwood, Limpley Stoke, Wingfield, Monkton Farleigh & South Wraxall)



Johnny.Kidney@wiltshire.gov.uk

www.facebook.com/JohnnyKidney4WandW

www.wiltshire.gov.uk

From: [KEVIN / LINDA LADNER](#)
Sent: 03 December 2021 18:35
To: [Green, Janice](#)
Cc: [Winsley Parish Council](#)
Subject: Winsley Village Green Application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice,

I would like to express my strong support for the above application. While I also recognise a need to find more housing land for the village, this plot is not appropriate.

The area has been used for as long as I can remember, having first moved to Winsley in 1986, for community use. My own sons often used it to play football with their friends. The local (parish) council has maintained this land for decades and has recently invested significant sums to renew the goal posts and install seating.

It is incredible and outrageous that the current owner has fenced off the land, thereby denying access to the children and council owned equipment, even though they have stated they have no plans themselves to use the land for some considerable time.

I trust you will grant the application with all haste.

Many thanks for the opportunity to comment.

Kevin Ladner

■ Dane Close

Winsley

Wilts

BA15 ■

Land: ■■■■■■

Mob: ■■■■■■

From: [T Lerwill](#)
Sent: 29 November 2021 21:02
To: [Green, Janice](#)
Subject: Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Completed

Dear Janice

My family have been using the above playing field for lawful sport and recreation since we moved into the village in 2017. I had always thought it was already a public area, with goal posts installed and the grass being maintained. It was upsetting and surprising when it has recently been fenced and the goal posts removed.

I have photographic evidence of our use if needed.

I do hope the application for a Town & Village green is successful.

Kind Regards

Tim



From: [Peter McCaffrey](#)
Sent: 30 November 2021 10:35
To: [Green, Janice](#)
Subject: APPLICATION TO REGISTER NORTHFIELD PLAYING FIELD
AS A TOWN AND COUNTRY GREEN

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice,

I confirm that I give my vote to the proposed application to make the Northfield playing field a Town and Country Green

Good luck with the application.

Regards

Peter McCaffrey
[REDACTED] hite Horse Road,
Winsley
BA15 [REDACTED]

Northfield
Winsley
BA15 2

1st December 2021

Dear Janice,

Northfield Playing Field as a TVG

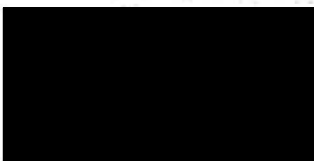
We write in support of the Parish Council's application to register Northfield Playing Field as a TVG.

It was very disappointing for us to see this wonderful recreational facility being fenced off and to witness the impact this had on so many young people who were prohibited from using it. Two generations of our family have had the benefit of using this green space since we moved here from White Horse Road in 1989. The loss of the field has been acutely felt by so many young people and it was sad for us to witness groups of youngsters walking up our road, footballs tucked under their arms in the innocent expectation of having a good game with their friends, only to be prevented from doing so by a wire fence. The look of disappointment on their faces as they trudged home was very moving.

The need for all of us to regularly exercise on green fields and in fresh air, with the well documented benefits to mental as well as physical health, has been highlighted over the past two years by the impact of COVID. We are very keen to see this facility fully restored to the village, particularly for the benefit of our young people as well as for future generations. Before the fence was erected significant numbers of local people took part in lawful sports and pastimes "as of right" by using such a simple outdoor resource.

We very much hope that Wiltshire Council will restore the field as a Village Green.

Kind regards,



David & Kathryn Morrell

From: John Mountford [REDACTED]
Sent: 02 December 2021 15:50
To: Green, Janice
Subject: Northfield Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Janice Green

We support Winsley Parish Council's application to register Northfield as a Town and Village Green, to ensure that it remains as a playing field for local children John & Ursula Mountford

[REDACTED] Fieldins
Winsley

Sent from my iPad

From: [cynthia_pearce](#)
Sent: 01 December 2021 12:25
To: [Green, Janice](#)
Cc: [REDACTED]
Subject: Northfield Playing Field, Winsley
Attachments: [Northfield Play Area.docx](#)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

Attached is a letter we sent to Winsley Parish Council regarding the Northfield Play Area.

We have lived in Winsley since March 1990 and as our home in [REDACTED] Saxon Way backs on to the play area we are in a very strong position to know who uses the field and how often. I can assure you that in all the time we have lived here the field has been used regularly for many family activities and sports by the people of Winsley. Up until the time the new owners placed fencing around the land it was used on a daily basis. We have missed hearing the joyful sound of children getting exercise and having fun.

In our view, it is such a shame that suddenly after so many years this area is not available for village use at the moment. It has always been kept in a very tidy condition, now it is getting overgrown and neglected. We are all being encouraged to get out and have plenty of fresh air and the one place the children and families of Winsley could use is no longer available.

We urge you to grant Northfield Playing Field the Town and Village Green status it so deserves and allow the families to once again use it for sport and recreation.

Yours sincerely

Cynthia and Gerry Pearce

From: Mr and Mrs G Pearce

█ Saxon Way
Winsley,
Bradford on Avon
BA15 2█

To Whom It May Concern

Northfields Play Area, Winsley

This letter is in support of designating the Northfields Play area as a village amenity.

We moved to █ Saxon Way, Winsley on 23 March 1990 and we can confirm that before we purchased the house we were told that the area behind us was a play area that had been used for a number of years. The search conducted before purchase showed that the property is within an area of Special Landscape Area within the Western Wiltshire Green Belt.

In fact, the previous owner went out of his way to warn us that balls may appear in the garden from time to time and to illustrate this told us that soon after he had installed his greenhouse a ball came over the hedge and broke a pane of glass - it was his own son that had done it! Relatively few instances have occurred since we have lived here.

On the afternoon of 23 March 1990 our two sons along with their Dad went through the gate from the back of our garden to have a kick around on the play area, a great way to meet other youngsters from the village. Some of our young guests have also made use of the field whilst visiting us. It has always been available and it would be a travesty if this amenity was denied to future families.

During the almost 31 years that we have lived here we can confirm that we have had families using the play area on a very regular basis. We have had football, rugby (especially during the time of the world cups), cricket, tennis, and

running competitions. We have seen young people learning to ride 2-wheel bikes out there and we have seen adults using it for exercise and personal fitness; we have had end-of-school year picnics. It has always been such a joy to hear families and young people making such good use of the play area and having fun whilst getting some exercise. Since lock-down just over 12 months ago the play area has been used daily - there is no other area nearby that families can use.

We have always had access to the play area from our garden and we know from the previous owner that this access has been available since they had moved in to the house - the first owners who bought the property from the developer. We can confirm that all 3 houses in Saxon Way that back on to the field all have access from their back gardens.

We urge you to allow the residents of Winsley to be able to retain this amenity in the future and to formally designate it a village green - as it has been used since the estate was built.

Yours sincerely

Gerry and Cynthia Pearce

From: [cynthia_pearce](#)
Sent: 29 December 2021 09:48
To: [Green, Janice](#)
Cc: winsleypc@gmail.com
Subject: Re: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice

Many thanks for letting me know about this extension, I have nothing further to add to my previous letter.

Being a very cynical, old lady I am wondering if the owners of the Northfield Playing Field are buying the bungalow on Ashley Lane which includes the small paddock (on the market for £875,000) which has access to the main Winsley by-pass and the playing area! If so, who knows what they will be up to next!

Yours sincerely

Cynthia Pearce

From: Green, Janice <janice.green@wiltshire.gov.uk>
Sent: 22 December 2021 14:37
To: cynthia_pearce [REDACTED]
Subject: Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley

Dear Mr and Mrs Pearce,

Commons Act 2006 – Sections 15(1) and (2)
Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley
Ref: 2021/01TVG

Further to my previous e-mail on this matter, I am writing to advise you that the landowner has requested an extension to the time limit of 31st December 2021, for submitting their response in full. It is certainly beneficial for all parties that their submissions are as full and complete as possible and this request for additional time has been granted until Tuesday 15th February 2022. Therefore, if you would like to submit any additional information regarding the application, further to your email and letter dated 1st December, please do so in writing by 5:00pm on 15th February 2022.

Kind regards,

Janice Green
Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council
County Hall
Trowbridge
BA14 8JN



Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

Information relating to the way Wiltshire Council will manage your data can be found at:
<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Report a problem: <https://my.wiltshire.gov.uk/>

Web: www.wiltshire.gov.uk

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From: [Jean Potter](#)
Sent: 30 November 2021 11:50
To: [Green, Janice](#)
Subject: Winsley Parish Council: Northfield Playing Field Village Green Application

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

We are writing to support the Winsley Parish Council's application for the playing field at Northfield to be classified as a Village Green.

We have lived in the village for over 40 years (in addition Keith has lived in the parish all his life) and this playing field has been used by families regularly over this period of time. It has always been considered to be a community green amenity for families in the village and we strong believe it should remain so for future generations to enjoy. To remove this facility will reduce opportunities to contribute to the health and well-being of residents, which is more important now than ever before following the recent pandemic.

We therefore strongly support this application and we ask you to include our response in the process when considering this application.

Yours sincerely,

Keith and Jean Potter

From: Kath Reckless [REDACTED]
Sent: 02 December 2021 19:17
To: Green, Janice
Subject: Winsley's Green Space

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice

I'm writing to express my support to register Northfield Playing Field as a Town and Village Green (TVG). I've lived in the village for 30 years and in that time have known of lots of village activities on the playing field.

Best regards
Kath

From: [REDACTED]
Sent: 05 December 2021 12:43
To: [Green, Janice](#)
Subject: Application to register Northfield Playing Field as a TVG.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

My wife and I came to live in Winsley in 1970 and purchased a new house in Broomground, Winsley where we have lived ever since. I cannot stress the need to retain this site as a TVG for the continued benefit of the residence of Winsley in particular the young children of all ages.

Our two daughters both used this site during their early years in Winsley where they attended the local primary school. They used this area for meeting and playing with their many friends for hours on end in what is a safe environment. It provided an environment which had little or no facilities but a somewhere where they could find ways of self-entertainment over many years.

It is an asset to Winsley and one which should continue to be available to the younger generation and I am not convinced of it's worth if sold off other than a limited source of revenue for Wiltshire Council.

Yours sincerely

David & Dreen Rees

From: [REDACTED]
Sent: 06 December 2021 10:00
To: [Green, Janice](#)
Subject: NORTHFIELD PLAYING FIELD AT WINSLEY

Follow Up Flag: Follow up
Flag Status: Completed

Dear Janice, Northfield is a great amenity for children and adults. To be able to play in complete safety with no passing traffic and well removed from the BYPASS. I heartily support the campaign to designate Northfield as a TOWN AND VILLAGE GREEN. Rosemary Rees [REDACTED] Tynning Road, Winsley.

From: Tom Richards [REDACTED]
Sent: 30 December 2021 15:34
To: Green, Janice
Subject: Application to Register Land as Town/Village Green -
Northfield Playing Field, Winsley
Attachments: [Winsley Evidence Questionnaire TR.pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Green,

I am writing to you in connection with the current 'Application to Register Land as Town/Village Green - Northfield Playing Field, Winsley'.

I would like to make representation as a local resident who has lived on the Tying Estate in Winsley for over 21 years, with our children having been at playgroups & primary school in the village for some 3 years before that (we attempted to buy a house in Northfield itself during that time, before eventually obtaining our current house in Tying Road).

During our time in the village, there has only been 3 spaces I know of where children have been able to play ball games & other recreational games close by:

- * the community play area (between the primary school & Lyddieth Court)
- * the football field by Dorothy House
- * Northfield Playing Field, the subject of this application.

When our children were still at school, we would often use the Northfield Playing Field as it was the closest, and take a ball there for regular kick-about, particularly in the light summer evenings. There were permanent goalposts there (at that time these were bare tubular construction with no nets). When we had a dog, we would also play games of fetch there, being careful to ensure no fouling that would have caused hazard for other users.

Now that our children have grown up, I am enormously thankful that they were able to grow up with access to this playing field, not only for the exercise it gave them at the time but also for the active habits it helped them to form that have continued to help them stay healthy as adults.

During our time here, it seems that many more families with young children have moved to the village & the Tying estate in particular. It would be a very sad loss for this current generation of children to have the Northfield playing field taken away, particularly during the current pandemic when daily outdoor exercise has been so precious, not to mention the wider issues of increasing childhood obesity.

When the land came up for auction earlier this year, I made what I hoped would be a significant financial contribution towards its purchase for the village. Sadly the bid was unsuccessful, but I would gladly have contributed far more if I'd had a better idea of the amount needed.

I have attached a completed questionnaire about our own experience & use of the playing field (NB: I recall completing a similar questionnaire earlier in the year so apologies if this is a duplicate).

I hope this representation will help to support the application for village green status.

Many thanks,
Tom Richards

■ Tynning Road
Winsley
Bradford on Avon
BA15 ■

Evidence Questionnaire for a Town and Village Green Application

Evidence Form based on that produced by the Open Spaces Society

When completing the form:

1. You should fill in the form for yourself / your household and sign it at the end.
2. If you are completing the form for your household, please indicate how many adults and children you are responding on behalf of.
3. Please answer all questions, indicating 'don't know' if appropriate.
4. If you need more room for any answers, please continue at the bottom of the form or on an additional sheet, marking the number of the question(s) clearly. Please include your name on any additional sheets.

Electronic version of this form

If you prefer, an electronic version of the form can be downloaded, completed and returned via email.

The electronic version of this form is available at: <https://bit.ly/WinsleyVillageGreen>

Returning the form

Hard copies of the form can be returned to any of the following people:

Selina Jobson: [redacted] Tynning Road, BA15 2 [redacted]

John Strike: [redacted] Northfield, BA15 2 [redacted]

Ian Sparrowhawk: [redacted] Broomground, BA15 2 [redacted]

Ed Gilby: [redacted] [redacted] Bradford Road, BA15 2 [redacted]

Electronic copies of the form should be emailed to:

winsleypc@gmail.com

General Data Protection Regulation

The information you give in this form will be provided to Wiltshire Council, to the Land Owner and to any other person having a right to request details of documentary evidence provided as part of the Town and Village Green application. The data is collected by Winsley Parish Council in accordance with the GDPR. The purpose for collecting the data is to enable Wiltshire Council to investigate the claim for a Town and Village Green in accordance with the Commons Act 2006.

Please complete and return this form as soon as possible and by no later than Friday 21st May.

Name **Tom Richards**

Number of adults in household **2**

Address

Number of children in household **3**

Tynning Road, Winsley, Bradford on Avon

Tel. number

Email address

1. Your address(es) when you used the land (if different from the address given above).

2. By what name is the Land claimed known? **Northfield Playing Field**

3. How many years have you known the Land? **24** Years From **Oct 1997** To **present**

4. Between which years have you used the Land?

From **Jan 2000** To **July 2021**

** if applicable*

*Then from

To

5. Do you consider yourself to be a local inhabitant in respect of the Land? Yes No Don't know

6. During the time you have used Land, has the general pattern of use remained basically the same?

Yes No Don't know

7. How do/did you gain access to the Land?

Open access from end of Northfield + pathway through to pavement along bypass.

8. How often have you / your household used the Land?

When our children were at school, both at village primary & at St. Laurence secondary, we used it on a

9. What activities have you / your household taken part in on this Land?

Playing football, chasing games, dog exercise (not fouling), etc

10. Are you aware of any groups or organisations using the Land? If 'yes' please give details.

Yes No Don't know

11. Please tick all the activities that you have seen taking place on the Land.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Football | <input checked="" type="checkbox"/> Playing | <input type="checkbox"/> Bird Watching |
| <input type="checkbox"/> Cricket | <input type="checkbox"/> Rounders | <input type="checkbox"/> Picnicking |
| <input type="checkbox"/> Rugby | <input type="checkbox"/> Drawing and Painting | <input type="checkbox"/> Kite Flying |
| <input checked="" type="checkbox"/> Dog walking | <input checked="" type="checkbox"/> Team Games | <input checked="" type="checkbox"/> Walking |
| <input checked="" type="checkbox"/> Bicycle Riding | <input type="checkbox"/> Community Events | <input type="checkbox"/> Family Celebrations |

Other (please state)

12. Until the auction in March 2021, who did you think owned the Land? Please give any details.

I believed it was owned by the local council.

13. Have you ever sought permission to use the Land? If 'yes' who did you seek permission from?

Yes No Don't know

14. Have you ever been granted or denied permission to use the Land? If 'yes' please give details.

Yes No Don't know

15. Are you aware of any attempt made by notice, fencing or other means to prevent or discourage use being made of the Land by local inhabitants? If 'yes' please give details.

Yes No Don't know

Since the land was sold earlier in 2021, a fence and padlocked gate has been erected, along with notices

16. If you have any photos or other evidence of use of the Land by local inhabitants please provide a copy with dates.

Declaration of Truth

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signature

Date

Signature (typed)

From: [Doreen Rickard](#)
Sent: 30 December 2021 15:48
To: [Green, Janice](#)
Subject: Northfields playing field Winsley

Follow Up Flag: Follow up
Flag Status: Completed

We have lived in Tying Road (opposite the entrance to Northfields) since 1976.
Our two children and later four grandchildren have all enjoyed using Northfields playing field since then.
We have played football (for years with only one old goal post) cricket, frizbie, making daisy chains or just running around.
When they were older, due to locality with no main roads to cross, our children went to play safely on their own or with friends using the old stack of tyres to practise golf.
Recently the Parish council installed two new football goals with nets on the ground and were going to put a bench there as well!
I always thought, as did most people, that the ground belonged to the village and it was a shock when it was sold.
Although it was hoped through donations the Parish Council could buy the ground, it was purchased by people who probably didn't know where Winsley was, at such a price that could not be matched.
Now the ground is fenced and locked so can't be enjoyed by anyone at a time when any green space for children and adults to enjoy is beneficial to health and wellbeing.
Please help us get it back!

From: [Peter and Carole Robards](#)
Sent: 30 December 2021 14:31
To: [Green, Janice](#)
Subject: Northfield Playing Field

Follow Up Flag: Follow up
Flag Status: Flagged

DearMs Green,
I am a Winsley resident and would like to add my voice to support the preservation of Northfield Playing Field as a town and village green, by virtue of its use by a significant number of local people including myself and my family in lawful sports and pastimes 'as of right' for over 20 years.
Kind regards,
Carole Robards

Get [Outlook for iOS](#)

From: [PRobards](#)
Sent: 30 December 2021 14:32
To: [Green, Janice](#)
Subject: Northfield Playing Field , Winsley

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Green,
I am a Winsley resident and would like to add my voice to support the preservation of Northfield Playing Field as a town and village green, by virtue of its use by a significant number of local people including myself and my family in lawful sports and pastimes "as of right " for over 20 years.
Thank you for considering my views in this matter.
Kind regards
Peter Robards

Sent from my iPad

From: [Roger Rowe](#)
Sent: 31 December 2021 11:15
To: [Green, Janice](#)
Subject: Northfield, Winsley.

Follow Up Flag: Follow up
Flag Status: Flagged

■ Northfield
Winsley
Bradford-on-Avon
Wiltshire.
BA15 ■

As you can see I live opposite the land in question. I have lived at number ■ since 1987. Throughout that time the field has been used by local children as a playing and meeting space. My own daughter, who is now 44, recalls playing there..

It was always particularly popular with the boys as it had a reasonable goal post for when they played football.

As a former teacher it was always a delight to see the area used by children of all ages in a secure, safe environment just far enough from the eyes of parents etc.

I Lived on the estate at ■ Tynning Road from 1974 and believe the area was in use that far back.

Roger Rowe

If you wish to make contact my phone number is ■

From: [Katie Rutter](#)
Sent: 14 February 2022 19:57
To: [Green, Janice](#)
Subject: Northfield Playing Field - Town and Village Consultation

Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I am a resident of Winsley and am writing to support the Parish Council's application to register Northfield Playing Field as a Town and Village Green. I believe it qualifies as a Town and Village Green by virtue of its use by a significant number of local people in lawful sports and pastimes, 'as of right', for over 20 years.

Yours sincerely,

Katie Rutter

Sent from [Outlook](#)

From: Jan Schweizer [REDACTED]
Sent: 06 December 2021 14:33
To: Green, Janice
Subject: Winsley Northfield Playing Field

I am writing in support of the Parish council's application to register Northfield Playing Field as a Town and Village Green.

Having lived in Tying Road Winsley for over 40 years I can confirm that this playing field has been used regularly for all this time by the children of the community for various games and play activities. It has been regularly maintained by the Parish Council during this time.

I sincerely hope that the village can keep this valuable asset so that children can continue to use and enjoy this space.

Yours sincerely
Mrs Janet Schweizer

Sent from my iPad

From: [Pamela Seeley](#)
Sent: 15 February 2022 12:16
To: [Green, Janice](#)
Subject: Northfield playing field - town and village green consultation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Janice,

I am writing as a resident of Winsley and a mother of a 7 year old daughter.

You will be aware that Northfield playing field was purchased by two brothers quite some time ago now, and since the purchase, has been locked in order to restrict public use of the field. This is so sad for many reasons.

My child and many of her friends frequently used to play at the field, playing football and generally spending time outside as children should. You may or may not be aware, but there is only one quite small (and underfunded) park in the centre of Winsley village. Firstly, children no longer have an outdoor space to play sport or football with their friends as they used to when the field was open to the public.

Secondly, the small little park in the middle of the village, has become the only congregation point for other older children, who also used to make use of Northfield playing field to play football. As a result younger children a) no longer have access to Northfield playing field, and b) no longer feel comfortable playing in the small Winsley park as the older children have started using it for their sports, much better suited for Northfield playing field.

By not providing local people and children Northfield playing field use of it 'as a right', it is harming the ability for children to have access to precious outside space. It is so sad that the space, which used to provide such a valuable place to the village as a whole, is now locked up, vacant and not available for anyone to use.

I plead with the council to please support Winsley Parish Council in making Northfield Playing Field a town and village green, allowing local people to use the the field again.

Thanks very much

Pamela Seeley

Millbourn Close, Winsley, BA15

From: [Jane Shanklin](#)
Sent: 02 December 2021 20:16
To: [Green, Janice](#)
Subject: Winsley Green Space

Follow Up Flag: Follow up
Flag Status: Flagged

I feel very strongly that the Northfield Playing Field should remain as a Town and Village Green. It is an important part of our village and had been used by most of my 10 grandchildren.

Yours sincerely
Jane Shanklin

Sent from my iPhone

From: [Joy Skurczynski](#)
Sent: 04 December 2021 10:01
To: [Green, Janice](#)
Subject: Northfield

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green,

I am writing to register my support for Northfield playing field being granted TVG status. As a long term resident of Winsley I have always regarded this land as being an open space that should be freely enjoyed by the community.

Yours sincerely

Joy Skurczynski

From: [Ian Sparrowhawk](#)
Sent: 09 December 2021 10:41
To: [Green, Janice](#)
Subject: Support for Winsley Parish Council's T&VG application for Northfields

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Janice Green,

Please accept this email as testament for my wholehearted support of Winsley Parish Council's Town and Village Green application for Northfield playing field.

This being the only green space in the Tying Estate it would be such a shame to lose it to development, or just inaccessible wasteland as it currently stands.

Many thanks for your kind attention,

Ian Sparrowhawk
■ Broomground, Winsley, BA15 ■

From: [suzanne stark](#)
Sent: 30 December 2021 09:24
To: [Green, Janice](#)
Subject: Northfied Playing Field

Follow Up Flag: Follow up
Flag Status: Completed

We support the parish councils application to register Northfield Playing Field as a TVG

Kind Regards

George and Suzanne Stark

■ roomground

Winsley

Ba15 2 ■

From: [John Strike](#)
Sent: 08 November 2021 16:55
To: [Green, Janice](#)
Subject: Northfield TVG

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Janice, I hope this email finds you well.

Johnny Kidney has invited us to email comments to you regarding support for the Northfield TVG application.

Myself, my wife and two children live on Northfield, and have used the land a lot prior to the current owners fencing it off. We used it for general exercise, ball games, socialising, and dog walking, and it supplemented the size of the gardens on our estate tremendously.

I spearheaded the initial fundraiser to purchase the land in March and managed to raise over £17,000 in less than 9 days with the rest of the community, which is testament to its importance to local people. I also coordinated distribution of the questionnaires across the village - again the response was encouraging and hopefully helped illustrate the different ways the land has been used and by whom.

I'd also like to add I think being able to have the land throughout lockdown was crucial to local's physical and mental health, and in the weeks prior to fencing I saw countless families walk to the land with sporting equipment, only to walk home moments later, not realising it had been sealed off.

Do let me know if there's anything we can do to further assist.

Kind Regards

John Strike

Ms. Janice Green
County Hall
TROWBRIDGE
BA14 5JN.

MRS S THWAITE
TYNING ROAD
WINSLEY
BRADFORD-ON-AVON
WILTS
BA15 2

3.12.21

Dear Janice Green,
I want Northfield Playing Field, Winsley as
a TVG. and registered as such.

For at least 35 years it has been
used by all ages of local people,
Boys and girls playing football,
parents with toddlers have a
place they can let their young
run about; and runners are seen
running round the field for
training.

I love walking by the field
and seeing folks using the
green space.

Yours sincerely,

From: [Barbara Treble](#)
Sent: 04 December 2021 20:37
To: [Green, Janice](#)
Subject: Northfield Playing Field Winsley TVG

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Green

I support the application for Northfield Playing Field to become a Town and Village Green. I believe that it has been used for sport and pastimes for over 50 years since this estate was built.

I moved to Tying Road in April 1979 and it was used by the youngsters there for football and other sports at that time. I went there with my children from 1982 onwards to play ball games and picnics until the children were old enough to go on their own. My son tells me that he played football, cricket, rugby, and frisbee and also flew a kite from 1992 to 2000. They also built a bike jump.

I have seen youngsters playing there since 2000 on regularly. I took my granddaughter there in 2019 to play with a ball.

Yours sincerely

Barbara Treble

From: [John Treble](#)
Sent: 07 December 2021 01:12
To: [Green, Janice](#)
Subject: Northfield Playing Field, Winsley
application for Town and Village Green status

Dear Ms Green

I am writing to support the recent application by Winsley Parish Council for Northfield Playing Field to become a Town and Village Green.

I moved to the Tying Road estate in 1979 and found that the Northfield space was being used by the local children and had clearly been in use prior to that time. So, I believe that it has been used by families and youngsters for their self organised sports and games for over 50 years. In fact, since the estate was built.

From 1982, I often went there with my own children to play ball games, like football, rugby and cricket. We also had picnics there and accompanied the children until they were old enough to go on their own. It always seemed a safe place for them to be on their own as it was away from the busy traffic and overlooked by a number of houses. It's even quieter and safer now that the by pass has been completed.

My son regularly played on the space, without adults but with a number of friends, after 1992. He played football, cricket and rugby which helped him to develop his skills so that he became a regular member of all of the school sports teams. Until he moved on to University in 2000, he found many other uses for the space including playing frisbee, flying his kite and building and using a bike jump. My daughter also used the space for these games as she often used to accompany our son when she was younger.

Since 2000 I have continued to see youngsters playing and using the space regularly. And now I have started to take my young granddaughter there to play with a ball and have fun and develop her co-ordination.

Without any doubt this is a space that has been valuable to a very large number of Winsley youngsters and their families over more than 50 years. It has been in use constantly and regularly throughout this period of time, until it was unnecessarily fenced off by the new owners a few months ago. Local youngsters have been able to have fun and develop a degree of independence in a safe and nearby outdoor space while playing a wide variety of sports and games.

It is very important that these opportunities continue to be available for many more young people in the future, so I wholeheartedly support this application for Village Green status.

Yours sincerely

John Treble

From: [ED TOWNSEND](#)
Sent: 13 December 2021 12:32
To: [Green, Janice](#)
Subject: Winsley Playing Field- Ref:JG/PC/250 Ref: 2021/01TVG

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice,

Ref:JG/PC/250 2021/01TVG

I am contacting you with regard to the 'Town and Village Green' application relating to Northfield Playing field in Winsley.

I live at [REDACTED] Northfield along with my wife and 3 son's aged 11, 8 and 2. The Northfield playing field runs adjacent to our garden and the side view from our house overlooks the playing field across to other fields on the other side of the Winsley by-pass.

We have owned our house since November 2017 and the playing field has been an important resource for us and our children since then. Our 11 and 8 year old boys have used it a huge amount with their friends for playing football and riding their bicycles around amongst other things. The field provides a safe and secure place for our children to enjoy themselves just like many generations of children have before over such a long period of time.

If the Town and Village green application isn't granted then it potentially opens the door for the land to be developed and this green space will be lost forever. This would be extremely sad given the community have used it for 20+ years and it would result in only one green space for children to use and enjoy remaining in the Tynings estate!.

The development of the playing field would likely have a negative effect on the value of our house and those of our neighbours whose houses border it as our view would be of new houses rather than green fields but more important than this is the loss of a green space for families to use and enjoy.

Kind regards,

Edward Townsend

From: [William Wilson](#)
Sent: 19 December 2021 12:03
To: [Green, Janice](#)
Subject: Northfield playing field Winsley

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice,

I am writing to express my concern over the sale of Northfield playing field in Winsley. We have lived in the village since 1983 and both of our children spent many hours meeting friends and playing on that playing field. It was left as a facility for the village when the new estate was built and should be left as such. I urge you to consider designating this land as a permanent open space for the village.

Kind Regards

Barbara Wilson (Broomground)

From: sam.alsop
Sent: 02 December 2021 23:33
To: [Green, Janice](#)
Subject: Northfield Playing Field - Village Green Statement

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Janice,

I wanted to write to you to support the application for Northfield Playing field to become a village green. I have grown up in Winsley, my grandparents lived on the Tying Road estate since the early 1960s and my parents moved to Winsley in 2005. My Mum still lives in Winsley so I have a great knowledge of the village and have spent the majority of my childhood there.

I have personally been using Northfield Playing Fields for recreational purposes as of right since I was a child. I am approaching the age of 28 and can remember visiting Northfield from around the age of 6 onwards. Access has never been prevented over the 21.5 years I have used the land with my friends and family.

I always believed Northfield Playing fields belonged to the parish council or community. As far as I am aware, no land owner has tried to prevent the community from using the playing field since the village green application was submitted. The public have been able to access the land as of right without interruption.

The whole community has used this part Northfield as a playing field and the parish council has even erected a football goal so children in the village can continue to enjoy the land as my friends and I have done so. I believe the grass has been maintained by the community and the parish council.

I strongly support the land being designated as a village green. I think it is important that the status of the land is recognised so the community can continue to enjoy this important community asset, as I have done so for the past 21.5 years.

The Tying Road estate is densely populated and I believe it is important we preserve our village green for future generations to enjoy.

Kind regards,

Samuel Winter-Alsop

Sent from my Galaxy

██████████ Tyning Road
Winsley
Bradford on Avon
BA15 2 ██████████

Dear Ms. Greer,

I was really saddened and disappointed recently to discover that Northfield playing field was "For Sale" and furthermore that it was 'sold' and fenced off with a padlock on the gate. This playing area has been part of Winsley's community for many many years and as such, has been a lovely open space for villagers and their children to enjoy. I

for one, have been a resident of Winsley on and off for 50 years and I cannot understand why anyone would wish to purchase this small piece of land other than to 'make money' out of it to the detriment of the community.

I have picniced there with my Grandchildren and played football and sometimes just sat and relaxed.

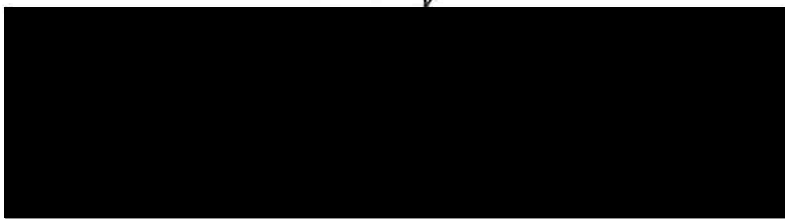
Life is not all about developing & making money. it is about preserving green spaces as our

climate changes, no matter how small the space,
and we are just one community, privileged to
live in our lovely village desperately
trying to preserve one small space that
can be shared by everyone.

At this time of serious change with the
pandemic threatening us all surely it is
more important than ever to retain ^{our} ~~and~~
open spaces and defend them passionately.

I fervently hope that, the application
by Winsley Parish Council to register
Northfield Playing area as a Town and
Village Green will be favourably and
sympathetically received.

Yours sincerely



From: [Winsley Parish Council](#)
Sent: 14 April 2022 10:20
To: [Green, Janice](#)
Subject: Response to TVG Objections, Ref: 2021/01TVG
Attachments: [TVG_ObjectionsResponse_Apr22.pdf](#)
[Neighbourhood_Map_Apr22.jpg](#)

Dear Janice,

Please find attached the response from Winsley Parish Council to the objections raised during the consultation period for the TVG application for Northfield TVG.



Also attached is a revised map; please could this replace the previously submitted Exhibit C - Map 5.

I'd appreciate confirmation that these have been received. If there are any queries please do not hesitate to contact me.

Best wishes, Selina

--

Selina Jobson
Winsley Parish Clerk


 Tyning Road, Winsley, BA15 2
winsley.org.uk

Response from Winsley Parish Council to Objections Raised During the TVG Consultation Period

14 April 2022

1. There is one objection from a resident of Winsley. This compares to over 70 representations from current or past Winsley residents in support of the TVG application, as well as support from additional residents via the Evidence Questionnaire and residents statements. The resident questions whether the land is suitable for designation as a TVG due to its small size and location next to a bypass. Neither of these are factors for consideration in deciding a TVG application.
2. BK Land and Estates Limited (BKLE) have objected to the application on three grounds (Para 17 of BKLE's Objection Statement). These are addressed in turn below.
3. *'The Application is not duly made as it does not adequately identify the locality or neighbourhood within a locality that is relied upon'*. (Paragraphs 18-22 of BKLE's Objection Statement).
 - 3.1 Wiltshire Council accepted Winsley Parish Council's TVG submission and did not find any element 'defective'.
 - 3.2 Exhibit C - Map 5, shows the 'Neighbourhood within the locality to which the claimed Green relates'. The key on Map 5 refers to the 'Locality of the green' which could be confusing. A revised map is included with the key labelled 'Neighbourhood of the Green'. This map should replace the previous Exhibit C - Map 5.
 - 3.3 The locality used in the Northfield TVG application is Winsley Parish which meets the criteria of locality for a TVG: *'A locality must be an area known to the law such as a borough, parish or manor'* (Para 6 of BKLE's Objection Statement).
 - 3.4 The neighbourhood 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. It is clear from any map that the neighbourhood area has been based on the main residential area of Winsley, including the 'old' village, the Tying estate and residences along the main Bradford Road. The northern edge of the neighbourhood boundary runs alongside the B3108 which provides a clear edge to the residential area. The southern and eastern edges of the neighbourhood boundary deviate slightly from the settlement boundary to include a small number of properties which lie just outside the settlement boundary. Northfield playing field itself lies outside the settlement boundary so the neighbourhood boundary has been drawn to include Northfield and the properties adjacent to this area of land.

- 3.5 Within the defined neighbourhood area there is a shop, primary school, health centre, pub, social club, village hall and two churches serving the local community, demonstrating the cohesiveness of the defined neighbourhood.
- 3.6 Responses from the Evidence Questionnaire show that people from across the defined neighbourhood have used Northfield playing field.
- 3.7 The amended maps which Winsley Parish Council submitted in August 2021 as part of the TVG application process, demonstrate a locality which meets the criteria for a TVG and a cohesive neighbourhood area, also meeting the TVG requirements.

4. *User not 'as of right'* (Paragraphs 23-29 of BKLE's objection statement).

4.1 The case of *R v Oxfordshire County Council and others, ex parte Sunningwell Parish Council (House of Lords, 1999)* clarified that in order to demonstrate that land has been used '*as of right*', evidence need only show that land has been used for lawful sports and pastimes without force, without secrecy and without permission. Winsley Parish Council has provided clear and substantial evidence, through specific questions in the Evidence Questionnaire and from additional resident statements, that the land has been used by local residents, throughout the relevant 20-year period, without force, secrecy or permission from the owner.

4.2 Of the 124 respondents to the Evidence Questionnaire:

- none had ever sought permission to use the land from the owner of the land at the time (Robinsons).
- none had ever been denied or granted permission to use the land by the owner of the land at the time.
- none had ever been discouraged or prevented from using the land by the owners of the land at the time.

4.3 Since its creation as part of the Tying housing estate there has always been open access along one side of Northfield playing field, allowing users to access the land freely and without secrecy. Fifty-seven respondents to the Evidence Questionnaire had accessed the land via Northfield or from the bypass (B3108); 49 had walked to the land and 7 had cycled; 10 stated it was open access land or that they accessed the land '*through the obvious entrance*'. These responses demonstrate that there was no secrecy involved in using the land.

4.4 There is no evidence of, and residents who have lived in the area throughout the 20-year period do not recall, any form of prohibitory signage ever being installed by the landowner.

4.5 The landowner would have been able to tell that the field was well used and looked after by the local community (for example, from the goalpost in the field, the worn grass, and the maintenance of the area). As use of the land was clearly not by stealth the landowner could, at any point during the 20-year period in question, have identified that the land was being used by local residents and could have exercised his right to prevent use of the land. The landowner did not do this at any point.

4.6 Winsley Parish Council contests the point that *'[Wiltshire] Council has essentially licensed the Applicant to use the Application Land for the provision of community recreation space'* (Para 25). The land was used as a temporary recreation area whilst it was dedicated to Wiltshire Council for possible highways use. Once the land was no longer needed for that purpose a letter from Wiltshire Council [12 April 1991, Evidence Q] shows that *'total control will revert back to the freeholder, presumably Robinsons'* and that *'The Parish Council would therefore need to negotiate with the landowner if they wish to purchase that part of the 'play area' that is not required for the bypass.'* No evidence has been found by the Parish Council, or has been submitted by BKLE, to indicate that conversations were ever held with Robinsons. Robinsons continued to own the land until 2021 and during this time would have been in a position, as the landowner, to *'warn trespassers off'* the land. There is no evidence that any resident has ever been warned off the land by the landowner.

4.7 Although not directly relevant to the TVG case, Winsley Parish Council contests the point that *'The Oldham Estate Company Limited...sold the Application Land at auction to BKLE, days after the defective application had been submitted to the Council (but not yet advertised).'* (Para 26). The TVG application was registered by Wiltshire Council on 1 March 2021. The auctioneers were emailed the TVG application confirmation letter from Wiltshire Council on 3 March 2021. The information about the TVG registration was available to all potential buyers on the auctioneers website on 4 March 2021. The auction took place on 10 March 2021.

5. *'Evidence inadequate to satisfy statutory test'*. (Paragraphs 30-32 of BKLE's Objection Statement).

5.1 As noted in Paragraph 3 of BKLE's Objection Statement, the *'significant number component has never been formally defined...What matters "...is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individual trespassers".'* Winsley Parish Council believes that for a relatively small neighbourhood area, the responses to the Evidence Questionnaire demonstrate clearly that the land has been in general use by the local community for informal recreation.

5.2 The case of *R v Oxfordshire County Council and others, ex parte Sunningwell Parish Council (House of Lords, 1999)* confirmed that activities such as dog walking, kite flying, solitary or family activities are sufficient to justify registration as long as there is an established pattern of use and it is not 'trivial and sporadic'. The quantity of evidence provided by Winsley Parish Council shows that the land has been used by a significant number of people, resulting in the land being used regularly by the community as a whole, and that use of the land far exceeds the definition of 'trivial and sporadic'.

5.3 It must be established that the inhabitants have used the land *'for a period of at least 20 years and they continued to do so at the time of the application'*. For this reason all evidence from residents, including from residents who used the land prior to the 20-year time period has been included in this application.

5.4 The summary results from the Evidence Questionnaires (Evidence L) show that:

- 66 households had used the land for some part of the 20 year period and were still using the land at the current time.
- 16 households had used the land during the 20 year period being considered for the TVG application but were not using the land currently.
- 28 households had used the land prior to the 20 year period being considered for the TVG.

5.5 There are a number of residents who have lived in the village long enough to be able to testify that the land has been used regularly throughout the 20-year period. For example, Mr and Mrs G Pearce, whose property backs onto the field, provide details of the field being used regularly:


“During the almost 31 years that we have lived here we can confirm that we have had families using the play area on a very regular basis. We have had football, rugby (especially during the time of the world cups), cricket, tennis, and running competitions. We have seen young people learning to ride 2-wheel bikes out there and we have seen adults using it for exercise and personal fitness; we have had end-of-school year picnics...Since lock-down just over 12 months ago the play area has been used daily...”

Northfield resident Ms K Kemp recalls the land being used by herself and her friends from the 1970s onwards and, as a resident of Northfield to the current day, has seen the land *‘being well utilised by local children and adults’*.

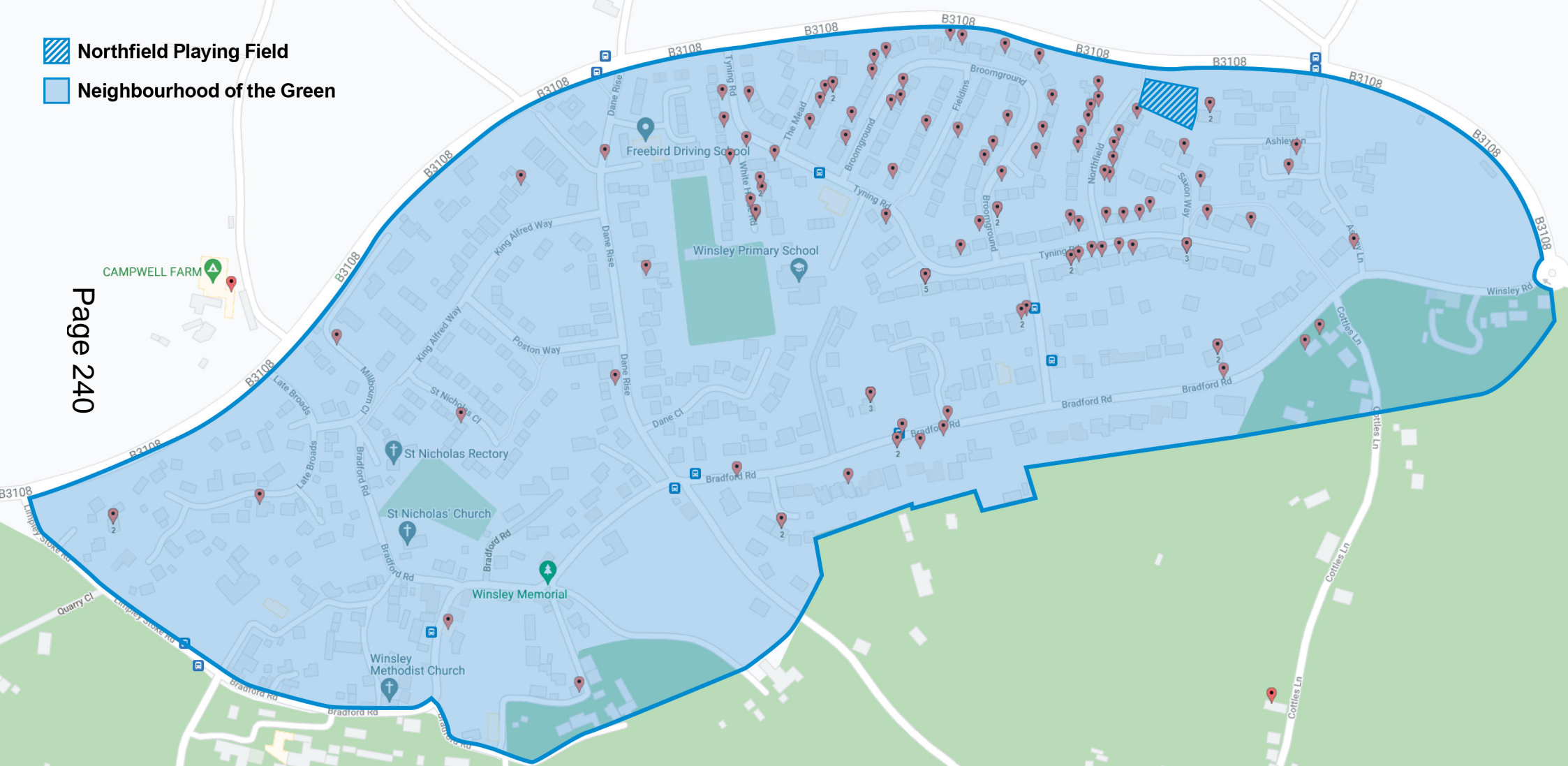
5.6 There has been a single goalpost in the field for many years, with a photo of the goalpost from Google Maps in 2009 (Evidence I). In 2020 residents, including young children, asked the Parish Council for a new goalpost and two goalposts were installed (no permission was sought for this work) (Evidence E). Photos included on the auctioneers website showed the two goal posts; the worn ground in front of each indicating that they were well used (Evidence D). Bases have also been installed by the Parish Council for two benches planned for the field.

5.7 These are some specific illustrations of the evidence submitted by the Parish Council that indicate that the land has been in general use by the local community for informal recreation for over 20 years. The evidence provided by the Parish Council (responses to the Evidence Questionnaire; additional statements from residents; minutes from Parish Council meetings; photos) is extensive, detailed and clear in demonstrating 20 years of informal use by the local community. It is considered that this evidence is more than adequate to satisfy the statutory test.

 Northfield Playing Field

 Neighbourhood of the Green

Page 240



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 their use?

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 site (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 play area being proposed. 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?

KINGSLEY 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

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

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

Appendix 11 - Documents Relied Upon

1) Application – 1st March 2021 with:

Application may be viewed using the following link:

<https://apps.wiltshire.gov.uk/RightsOfWay/Green/Index/TVG2021001>

- Statutory Declaration
- Justification for application to register the land as a town or village green
- Exhibit A) Map 1 – Location of Northfield Playing Field within the Tynning estate, Winsley
- Exhibit B) Map 2 – Green Belt including Northfield playing field
- Exhibit C) Map 3 – Winsley settlement boundary
- Exhibit D) Aerial photographs – the new goalposts and well used field, February 2021
- Exhibit E) New goalposts 2020 – residents’ letters asking for new goalposts and Parish Council minute
- Exhibit F) Minutes 1991 – reference to land at Northfield
- Exhibit G) Statements – evidence of use from residents (x 20)
- Exhibit H) Contracts – Winsley Parish Council maintenance of playing field contracts 1993-2005
- Exhibit I) Photo – 2009 Google Streetview image showing the 1970’s goalpost and well-tended playing field

2) Additional documents with amended application (08/08/2021):

- Exhibit J) Questionnaire – Hard copies of 124 returned evidence questionnaires
- Exhibit K) Questionnaire results – Spreadsheet
- Exhibit L) Questionnaire results – Summary of key findings
- Exhibit M) Questionnaire results – Gantt chart of usage
- Exhibit N) Questionnaire results – Location map of respondents
- Exhibit O) Additional evidence statements from residents x 2
- Exhibit P) Photos of the land from 1992 and 1995/6 showing the open access and recreational use
- Exhibit Q) 1991 Letter from Wiltshire Council indicating the land is to be returned to Robinsons, the builder of the Tynning Estate
- Exhibit R) Extracts from the Minutes of Winsley Parish Council Meetings referring to Northfield Recreation Field / Play Area (2001, 2005, 2007)

3) Trigger event consultation replies (March 2021):

- Development Control, Wiltshire Council – 04/03/2021
- Spatial Planning, Wiltshire Council – 12/03/2021
- Planning Inspectorate – 16/04/2023

4) Form 45 Replies:

- Objections: BKLE Ltd Interim Objection 29/12/2021 (received 30/12/2021)
BKLE Ltd Objection 12/02/2022 (received 15/02/2022)
Mr B Cooper 30/11/2021
- Representations of support (70)

5) Applicant's comments on objections 14/04/2022

6) Objector's comments on representations 03/06/2022 (received 10/06/2022)

7) Highways Act 1959 – Section 40 Agreement Plan 28th March 1968

8) Current Highway Record

- Where an **application for planning permission**, which would be determined under Section 70 of the Town and Country Planning Act 1990 is first published in accordance with requirements imposed by a development order by virtue of Section 65(1) of that Act, or
 - A **draft development plan document** which identifies the land for potential development is published for consultation in accordance with regulations under Section 17(7) of the Planning and Compulsory Purchase Act 2004, or
 - A **development plan document** which identifies the land for potential development is adopted under Section 23(2) or (3) of the 2004 Act.
3. The right to apply is revived where a corresponding “terminating event” has taken place, e.g:
- The withdrawal of the planning application; a decision to decline to determine the application is made under Section 70A of the 1990 Act; planning permission is refused and all means of challenging the refusal by legal proceedings in the UK are exhausted and the decision is upheld; or where planning permission is granted and the period within which the development to which the permission relates must be started, expires without the development having begun, or
 - The draft development plan document is withdrawn under Section 22(1) of the 2004 act; the document is adopted under Section 23(2) or (3) of that Act; or the period of two years beginning with the day on which the document is published for consultation expires, or
 - In the case of a development plan, the document is revoked under Section 25 of the Planning and Compulsory Purchase Act 2004; or a policy contained in the document which relates to the development of the land in question is superseded by another policy by virtue of Section 38(5) of that Act.

(A full list of planning trigger and terminating events is included at Schedule 1A of the Commons Act 2006, as added by Section 16 of the Growth and Infrastructure Act 2013 and amended to extend the list of events).

4. This alters the way in which the Commons Registration Authority (CRA) deals with new applications to register land as a TVG. DEFRA has issued interim guidance to Registration Authorities which recommends that upon receipt of an application the CRA should write to the local planning authorities and the Planning Inspectorate, to seek confirmation of whether or not there are planning trigger/terminating events in place in relation to all or part of the application land, (see DEFRA Guidance at **Appendix 5**).

5. In the Winsley case, as per the guidance, the CRA wrote to the Planning Inspectorate; Spatial Planning and Development Control at Wiltshire Council upon receipt of the Application, on 3rd March 2021, using the letter template set out within the DEFRA guidance, including a map of the application land and links to the list of trigger and terminating events, as amended. The Planning Authorities confirmed that there were **no planning trigger or terminating events in place on the land**, (see planning trigger event consultation replies at **Appendix 6**) and the application was accepted in full on 23rd April 2021 and Form 6 issued allotting the application no. 2021/01TVG.
6. The landowner and Objector Mr M Bandaru on behalf of BK Land and Estates Ltd (BKLE), writes in his holding objection e-mail dated 30th December 2021 (**Appendix 7**) – *“From my initial review of the application, I do believe that there may be a possibility that one of the ‘trigger’ events in the legislation may apply, thereby preventing the application from being submitted.”*, however, this is not pursued as a matter of formal objection within the full objection of BKLE, dated 12th February 2022.

Right to Apply – Wiltshire Council as the CRA, have accepted the application where the planning authorities have confirmed that there are no planning trigger events in place which would extinguish the right to apply to register all or any part of the application land as a TVG.
The Objector does not maintain objections which challenge the CRA’s interpretation of planning trigger events and no evidence is presented to support the presence of planning trigger events in place over all or part of the application land.

Main Considerations for the Council

7. Under section 15(1) of the Commons Act 2006, it is possible, (where the right to apply is not extinguished), for any person to apply to the CRA to register land as a TVG and under section 15(2) where a significant number of 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 20 years or more and they continue to do so at the time of application, (please see legislation attached at **Appendix 5**).
8. The legal test set out at section 15(2) of the Commons Act 2006 can be broken down into a number of components, each of which must be satisfied in order for the application to succeed, where *“it is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town [or village] green...”* (R v Suffolk County Council, Ex p Steed (1996) 75 P & CR 102).

9. The burden of proving that each of the statutory qualifying requirements are met, lies with the applicant and there is no duty placed upon the CRA to further investigate the claim, as set out in *Oxfordshire County Council v. Oxford City Council and Anor* [2006] UKLH 25 “61. ...*the registration authority has no investigative duty which requires it to find evidence or reformulate the applicant’s case. It is entitled to deal with the application and the evidence as presented by the parties.*” The standard of proof lies in the balance of probabilities, i.e. in order to register the land it must be found that it is more likely than not that recreational rights for local inhabitants have been acquired.

Significant number of inhabitants

10. The meaning of the word “significant” has never been defined, but was considered at the High Court in *R v Staffordshire County Council, ex parte Alfred McAlpine Homes Ltd* [2002] EWHC 76 (Admin). It was held that this did not mean a considerable or substantial number, as a small locality or neighbourhood may only have a very small population, but that the number of people using the land must be sufficient to show that the land was in general use, by the local community, for informal recreation, rather than just occasional use by individuals as trespassers.
11. The requirement is that users should include a significant number of inhabitants of the claimed locality or neighbourhood within a locality, in order to establish a clear link between the locality or neighbourhood and the proposed green, even if these inhabitants do not comprise most of the users.
12. In this case the application is supported by written representations from 171 parties (statements/questionnaires completed jointly are counted as one and some parties have submitted both statements and questionnaires):
- 124 completed evidence questionnaires
 - 29 written statements (with application)
 - 70 written statements (at public consultation) (**Appendix 8**)

The population figures for Winsley Parish are as follows:

1981 – 1,777

1991 – 1,834

2001 – 2,001

2011 – 1,920

2017 – 1,831

(Wiltshire Council – Community History – Census)

13. Of the 171 parties giving evidence in support of the application (see Summary of Witness Evidence at **Appendix 13**):
- 153 are resident of Winsley Parish at the time of application.
 - 6 give no current address (although 1 of these witnesses confirms formerly being a resident of Bradford Road, Winsley 1993-2015).
 - Of the 12 remaining parties who are not currently resident of Winsley, all confirm that they are former residents of Winsley, (1 x Bradford Road; 5 x Tynning Road; 1 x Tynning Estate; 2 x Ashley Lane; 3 x Winsley* (**parents reside at Bradford Road*)), so all within Winsley village settlement area.
14. The Objector Mr Cooper (resident of Winsley for over 35 years) disputes use by a significant number of inhabitants in his statement dated 30th November 2021 (**Appendix 7**): *“I have lived in Winsley for over 35 years and have only ever seen this small area (a left-over piece of land following the completion of the eastern end of Winsley bypass – B3108) used by small boys kicking balls around on an irregular basis. This has been observed by myself and/or my wife on our almost daily walks in and around the village.”*
15. The Applicant in correspondence dated 14th April 2022 (**Appendix 9**), confirms that this objection from a local resident is against representations of support from over 70 current or past residents of Winsley, as well as evidence questionnaires and residents’ statements:
- “5.1 Winsley Parish Council believes that for a relatively small neighbourhood, the responses to the Evidence Questionnaire demonstrate clearly that the land has been in general use by the local community for informal recreation...*
- 5.2. ...The quantity of evidence provided by Winsley Parish Council shows that the land has been used by a significant number of people, resulting in the land being used regularly by the community as a whole, and that use of the land far exceeds the definition of ‘trivial or sporadic’.”*

Significant number of inhabitants – The application is supported by 171 written statements/questionnaires, 153 of whom confirm being current residents of Winsley Parish and 13 former residents, which suggests a significant number of inhabitants.

The evidence of use by a significant number of inhabitants is disputed by a long-term resident of Winsley Parish who claims that in over 35 years, the use they have witnessed has been irregular and by small boys, which does not suggest use by a significant number of inhabitants.

Where there is dispute of the evidence which is likely to be resolved by hearing from the witnesses, it is open to the CRA to hold a non-statutory public inquiry at which the evidence of witnesses may be heard and tested under the process of cross-examination, to assist the CRA in its determination of the application.

Of any locality or neighbourhood within a locality

16. A town or village green is subject to the rights of local inhabitants to enjoy general recreational activities over it. The “locality” or “neighbourhood within a locality” is the identified area inhabited by the people upon whose evidence the application relies, (although it is acknowledged that there is no requirement for most of the recreational users to inhabit the chosen “locality” or “neighbourhood within a locality”, as long as a “significant number” do, other users may come from other localities and/or neighbourhoods). However, it is the people living within the identified locality or neighbourhood who will have legal rights of recreation over the land if the application is successful.
17. The definition of “locality” and “neighbourhood within a locality” were considered in the case of *Paddico (267) Ltd v Kirklees Metropolitan Council & Ors* [2011] EWHC 1606 (Ch) (23 June 2011) as follows: a “locality” being an administrative district or an area with legally significant boundaries, such as a borough or parish, whilst a “neighbourhood” does not need to be an area known to law, but must be a cohesive area which is capable of meaningful description, e.g. a housing estate can be a neighbourhood, but not just a line drawn around the addresses of the people who have used the claimed green.
18. In this case the application at section 6, which requires details of the claimed locality or neighbourhood within a locality, does not state the name of the locality/neighbourhood in words, but refers to “*Exhibit C: Neighbourhood within the locality to which the claimed green relates.*” Exhibit C is a plan entitled “*Locality of the claimed green*” highlighting an area which corresponds mainly with the Winsley Settlement Boundary (Exhibit B2) which lies within Winsley Parish Boundary (Exhibit B1). From this information Officers consider that the Applicant is claiming the neighbourhood of Winsley settlement within the locality of Winsley Parish:

Exhibit C: Claimed Locality/Neighbourhood:

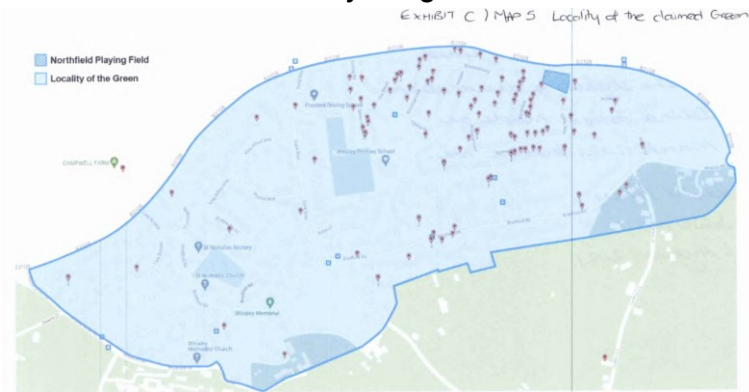


Exhibit B2: Winsley Settlement Boundary:

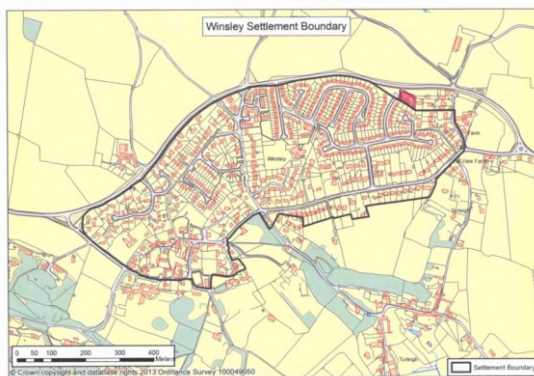
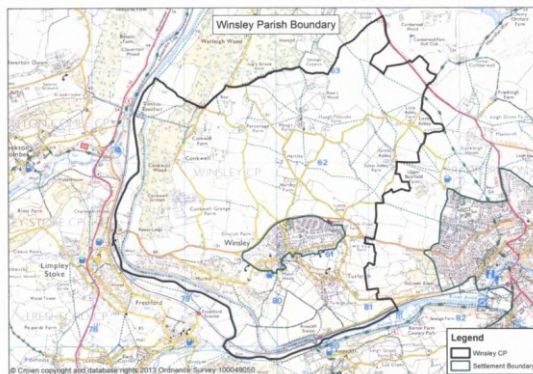


Exhibit B1: Winsley Settlement Boundary shown within Winsley Parish Boundary:

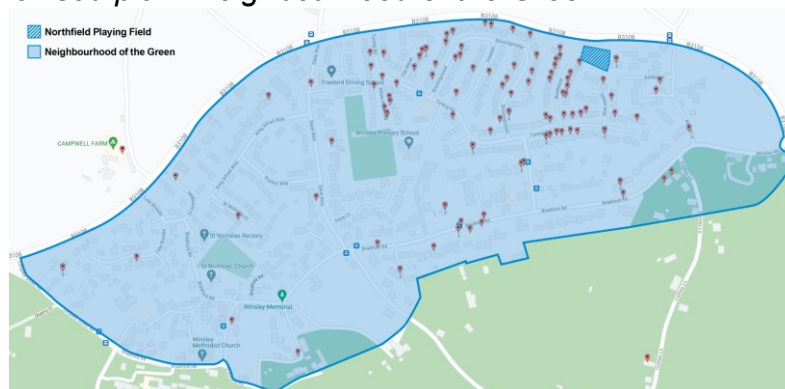


19. The Landowner BKLE in objection (12th February 2022 – **Appendix 7**) states that *“The Application is not duly made as it does not adequately identify the locality or neighbourhood within a locality that is relied upon.”* The Objector claims that the application, which describes the locality or neighbourhood within a locality as *“Exhibit C: Neighbourhood within the locality to which the claimed green relates”* and Exhibit C to which it refers, entitled *“locality of the*

claimed green”, (emphasis added by Officers), is inconsistent with the application form where it is indicated that the application is made on behalf of a Neighbourhood within a locality.

20. They further claim that Exhibit C insufficiently defines the claimed neighbourhood or locality and “...appears to simply be a line drawn on a map (it does not follow the precise boundaries of the Winsley Settlement Boundary plan, for example). The map is of such poor quality that it is impossible to understand the exact boundaries of the claimed neighbourhood or locality if that is what it is meant to illustrate and it has not been identified by any meaningful name or description.”
21. Further, “If a neighbourhood is relied upon it is noteworthy that the Applicant has adduced no evidence regarding the existence of any such neighbourhood and its cohesiveness. If a locality is relied upon the Applicant has failed to state by what name the area identified in Exhibit C is known to the law. Accordingly the Application should now be rejected.”
22. In correspondence dated 14th April 2022 (**Appendix 9**), the Applicant confirms that Wiltshire Council accepted the revised application and did not find this to be a defective element, but the Applicant agrees that the key on Exhibit C – Map 5 referring to the “*Locality of the green*” could be confusing and submitted a revised map labelled “*Neighbourhood of the Green*” to replace the map. They confirm that the Locality used in the application is Winsley Parish which meets the criteria as “A locality must be an area known to the law such as a borough, parish or manor”:

Revised plan: Neighbourhood of the Green:



“3.4 The neighbourhood 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. It is clear from any map

that the neighbourhood area has been based on the main residential area of Winsley, including the 'old' village, the Tynning estate and residences along the main Bradford Road. The northern edge of the neighbourhood boundary runs alongside the B3108 which provides a clear edge to the residential area. The southern and eastern edges of the neighbourhood boundary deviate slightly from the settlement boundary to include a small number of properties which lie just outside the settlement boundary. Northfield playing field itself lies outside the settlement boundary so the neighbourhood boundary has been drawn to include Northfield and the properties adjacent to this area of land."

23. The Applicant confirms that within the defined neighbourhood there is a shop, primary school, health centre, pub, social club, village hall and two churches serving the local community, to demonstrate the cohesiveness of the defined neighbourhood.

"3.7 The amended maps which Winsley Parish Council submitted in August 2021 as part of the TVG application process, demonstrate a locality which meets the criteria for a TVG and a cohesive neighbourhood area, also meeting the TVG requirements."

24. Evidence questionnaire responses have been submitted from people across the identified neighbourhood and helpfully the revised map provided by the Applicant shows the locations of the witnesses providing evidence, mostly within the identified neighbourhood of Winsley settlement. Question 5 of the evidence questionnaire, asks *"Do you consider yourself to be a local inhabitant in respect of the land?"*, of the 124 questionnaires completed, 117 consider themselves to be local inhabitants; 4 did not and 3 did not know, (please see Witness Evidence Summary at **Appendix 13** and Witness Distribution Map at **Appendix 17**).

25. In correspondence dated 3rd June 2022 (**Appendix 10**), the Objector BKLE considers that:

"5. The Applicant has failed to address the critical point...The Applicant has simply drawn a line on a map in a position that appears convenient...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..."

7. ...*The EQ's 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 EQ consider themselves to come from that neighbourhood. There is no question asking those completing the EQ's 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 EQ's by what name their neighbourhood is known.*"

26. The neighbourhood within a locality map submitted by the Applicant is based on the identified Winsley settlement boundary, however, this area is extended to the north, east and south to include the application land and other properties.
27. In correspondence dated 29th December 2021 (**Appendix 8**), Cllr J Kidney, Wiltshire Councillor for Winsley and Westwood states: *"The playing field is located in the heart of the Tynning Road estate in Winsley, a large residential estate built in the late-1960s. The wider estate is notable for its relative lack of public green amenity space and I imagine that were the estate being built today, it would not be granted planning consent in its current form due to the shortage of public green space. The playing field at Northfield is the only space centrally located within the estate where a child can run around in safety and kick a football around or a family can have a picnic – which is exactly what generations of residents in the estate have done as of right for more than 50 years...I wholeheartedly support the application to register Northfield Playing Field as a Town/Village Green so that future generations of young people in the Tynning Estate and wider village can continue to benefit from the physical and emotional wellbeing of having a public green within the estate, just as previous generations have done over more than half a century."*
28. It appears from the application and the evidence provided by users, that the land has been maintained by Winsley Parish Council for a number of years and whilst not a material consideration in the use of the land by local inhabitants, it does assist in linking the land to the local community, i.e. the locality of Winsley Parish, within which the identified neighbourhood of the Winsley settlement is located. It appears that the Parish Council were maintaining the land for recreational use and 49 evidence questionnaire responses consider that the land is owned by Winsley Parish Council:
- i) The application at Exhibit H, includes a selection of "maintenance contracts documents" from 1993 – 2021. These consist of quotes sought

by the Parish Council from West Wilts District Council and private contractors, as follows:

- 2021 Contract – Quote from James Lock to Winsley Parish Council, dated 3rd January 2021: *For the grass maintenance of designated areas in Winsley as follows for 2021 including Northfield football pitch grass cut... There will be 1 grass cut in March, April, October & November. There will be 2 grass cuts in May, June, July, August & September.*
- 2012 Contract – Quote from S&J Grounds Ltd to Winsley Parish Council: *To maintain the Parish grounds for the period 1st April 2012 to 31st March 2013 including Small play area at the end of Northfield.*
- 2005/06 Contract - Request for quote from S&J Contracts by Winsley Parish Council, dated 31st January 2004: *Grounds Maintenance Winsley Village – 2005-06 including Northfield playground twelve cuts per year.*
- 2002/03 Contract – Request for quote from West Wilts District Council by Winsley Parish Council, dated 19th February 2002: *Grounds maintenance, Winsley village 2002/3 including Northfield playing field twelve cuts per year.*
- 2001 Contract – Request for quote from Stephen Bowles by Winsley Parish Council, dated 26th May 2001: *Grass Cutting in Winsley including Northfield Playing Field twelve cuts per year.*
- 2001 – Request for quote from West Wilts District Council by Winsley Parish Council, dated 8th October 2000: *Grass cutting in Winsley including Northfield Playing Field twelve cuts per year.*
- 1997/8 contract – Request for quote from West Wilts District Council by Winsley Parish Council, dated 28th November 1996: *Grounds Maintenance 1997/8 including Area 1 – Northfield/Saxon Way.*
- 1995/6 Contract – As above for the year 1995/6, dated 28th September 1994.
- 1993/4 Contract – Confirmation from West Wilts District Council to Winsley Parish Council, dated 13th November 1992, offering services for *Grounds Maintenance for 1993/1994 including Northfield/Saxon Way.*

Correspondence dated 25th April 2001 from Winsley Parish Council to West Wilts District Council states (Application Exhibit H):

*“...the Parish Council is pleased to learn that agreement has been reached with the District Council to enable the grass verges within the Parish to continue to be cut during this Financial year.
It is understood that the present arrangement is for one year only, and that you are currently assessing the situation in order to put arrangements in*

place for future years. The Parish Council would welcome the opportunity to be involved in the assessment and is prepared to discuss with the County Council how it may help the Highways Authority to meet its obligations.

Attached to this letter is a schedule of Highways grass areas which it is understood the County Council has been paying the District Council to cut on its behalf. Beside each area are comments which the Parish Council hopes you will find both useful and helpful in making your assessments.”

The schedule sets out the application land as follows:

“Northfield, 1100 sq.m. This area is used by the Parish Council under licence as a children’s recreation field and the Parish Council have been paying the District Council to cut the grass for at least the past twenty years.”

The recreational purpose of the land is reflected in the Winsley Parish Council minutes dated 22nd May 2001 (Application Exhibit R) - Minute 9 Northfield Recreation Field – *“It was agreed that the land at the end of Northfield should be retained for recreational purposes and to review its use at some time in the future.”*

- ii) The application also refers to works carried out by the Parish Council to replace a single goalpost present on the land, (installed by the Parish Council in the mid-1970’s as reported by a previous Parish Councillor at part 7 of the Application), as shown in Exhibit I, Google Maps image 2009 (see below), with a pair of goalposts in 2020. The application includes 3 letters and a petition signed by 6 local residents requesting new goalposts, (setting out the use of the land for sports) (Application Exhibit E). The Parish Council minutes dated 7th July 2020 confirm that the Parish Council would obtain quotes for two goalposts, one or two benches and a waste bin (Exhibit F). Photographs provided by I Sparrowhawk (26th February 2021, Exhibit G, below), confirm that 2 new goal posts were erected on the application land by November 2020.

Application Exhibit I – TVG Application – Google Street View image 2009 showing single goal post:



Photograph showing the former (single) goal post in September 2020 (I Sparrowhawk – Application Exhibit G):



In front of the old goal post - 26th Sept 2020

The new goalposts (pair) erected on the application land by November 2020, by the Parish Council (I Sparrowhawk – Application Exhibit G):



Testing the new goal posts - 4th November 1



Covid-19 Lockdown P.E. Lesson, January 15th 2021

The Applicant confirms in correspondence dated 14th April 2022 (**Appendix 9**), that when works by Winsley Parish Council to install new goal posts were carried out in 2020, “...no permission was sought for this work...”.

The Objector BKLE (10th June 2022 – **Appendix 10**) provides evidence of the Parish Council’s application to West Wilts District Council for grant funding for a skateboard ramp / BMX track on the land, dated 16th August 2005 and states: “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.” This use for the land is reflected in the Parish Council minutes (Application Exhibit R), but the installation of the BMX track / skate ramp, did not go ahead:

28th December 2005 Minute 114 Proposal to build a BMX track –
“Councillors had before them a proposal developed by councillors Beale and Kieschke for an amenity for teenagers either a skateboard or a BMX track in Northfield play area, the preference being for a BMX track. Cllr Griffith questioned the apparent high cost...”

27 March 2007 Minute 117, Future for teenage facilities including skateboard / BMX track – “Cllrs resolved to end the debate about the provision of skateboard / BMX facilities.”

29. Witnesses support maintenance of the land by the Parish Council for a number of years and the provision of goalposts. As well as the proposed BMX track / skateboard ramp, some witnesses also suggest that the Parish Council were in the process of installing seats on the land, before its sale, please see extracts at **Appendix 14**.

Locality – The Applicant sets out the claimed neighbourhood within a locality as Winsley settlement, within the parish of Winsley and submit revised documents to clarify the identified neighbourhood and the reasons for this. The witnesses and documentary evidence such as Parish Council minutes and requests for quotes, support maintenance of the land by the Parish Council. Additionally the Parish Council erected new goalposts in 2020 and

considered the installation of a BMX track / skate ramp and benches, all of which assists in linking the land to the local community.

The Objectors dispute the claimed neighbourhood of Winsley settlement, which they consider i) does not fully accord with the settlement boundary for Winsley, ii) where it is mainly based on the settlement boundary (as a planning tool), they consider this alone not to be sufficient to identify a locality for the purposes of the 2006 Act, and iii) the witnesses do not provide sufficient evidence regarding the neighbourhood question.

Where there is dispute of the evidence which is likely to be resolved by hearing from the witnesses, it is open to the CRA to hold a non-statutory public inquiry at which the evidence of witnesses may be heard and tested under the process of cross-examination, to assist the CRA in its determination of the application.

Have indulged as of right

30. Use “as of right” means use without force, without secrecy and without permission. In the TVG case of *R v Oxfordshire County Council Ex p Sunningwell Parish Council* [2000] 1 AC 335, Lord Hoffman commented on use as of right:

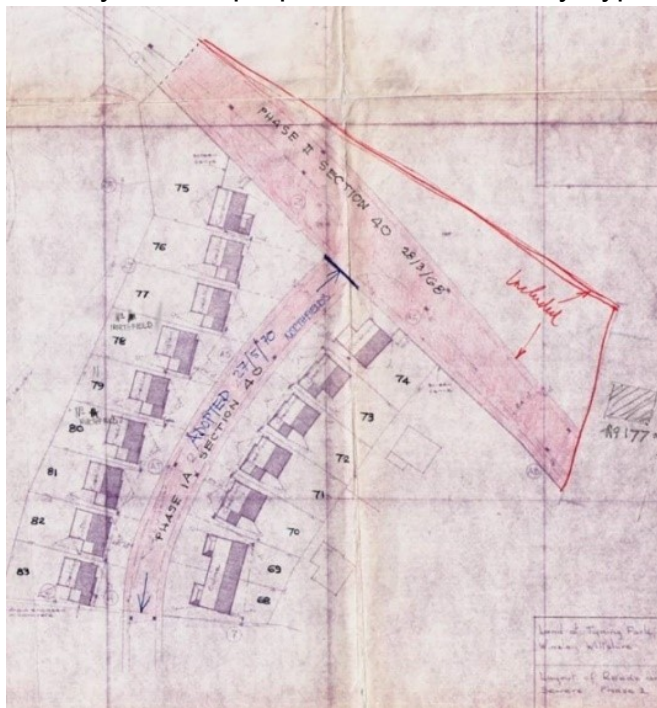
“It became established that such user had to be, in the Latin phrase, nec vi, nec clam, nec precario: not by force, nor stealth, nor the licence of the owner...The unifying element in these three vitiating circumstances was that each constituted a reason why it would not have been reasonable to expect the owner to resist the exercise of the right – in the first case, because rights should not be acquired by the use of force, in the second, because the owner would not have known of the user and in the third, because he had consented to the user, but for a limited time.”

31. The Objector BKLE in their correspondence dated 12th February 2022 (**Appendix 7**), helpfully sets out a history of the application land, as summarised below:
- At the time the Tynning Estate was built in the 1960’s the landowner was Alfred Robinson Builders and Contractors Ltd. The Application Land was dedicated to Wiltshire County Council for ‘highway purposes’.
 - For a time the land was temporarily used as a play area with a view to that use continuing until such time as it was required for highway purposes.
 - The land was never required for highway purposes, as evidenced by the Parish Council minute dated 26th March 1991, which includes notification that the Application Land was not needed and it would be returned to the

'control' of the developer. The Parish Council minutes record that the Clerk was to write to the Council to express an interest in the Application Land and to ensure that the Parish Council would be consulted before any decision in respect of the Application Land was made.

- Winsley Parish Council continued to maintain the Application Land.
- 2020 – The owner of the application land became aware that its ownership subsisted.
- 13/01/2021 - The Oldham Estate Company purchased the assets of Alfred Robinson Builders and Contractors Ltd, including the application land.
- 10/03/2021 - The Application Land is sold at auction to BKLE.

32. This appears to be an accurate account of the history of the land based on the available evidence and there is consensus amongst the parties that this was an area of land left over by the developer upon the development of the Tynings Housing Estate in the 1960's and that the land was dedicated for highway purposes by the developers in a section 40 (Highways Act 1959) Agreement, to be held by the then Wiltshire County Council, as the Highway Authority, for the purposes of the Winsley bypass:



*Highways Act 1959 -
Section 40 agreement
plan
28 March 1968*

33. Mr J Allison who was on Winsley Parish Council between 1970 and 2011, within his user evidence form completed 19th May 2021 (Application Exhibit J), suggests that permission to use the land as a play area was requested from Wiltshire County Council – “As a member of Winsley Parish Council I was aware that the dumping space was unlikely to be needed for some years for a

proposed Relief and Distributor Road. We enquired of Wiltshire County Council whether it could be used as an informal play area, managed by the Parish Council...I attended a meeting with the County Solicitor at County Hall, seeking consent for the vacant land to be used for informal casual play, managed by the Parish Council, unless and until needed for part of a Relief and Distributor Road. Letters were received by the Parish Council confirming that arrangement...I am aware that the land has been used throughout, as agreed, without challenge. The road was eventually constructed on a different line, finally after a Local Public Inquiry in 1995 and opened in 1997.” There is no correspondence provided from this time, to support the request for permission and permission being granted by Wiltshire County Council, however, the land is referred to as a “temporary” play area in 1991 correspondence from the Chief Assistant (Roads), Wiltshire County Council (please see below).

34. An alternative route for the Winsley bypass was agreed in 1991 and the application land included in the section 40 agreement, was no longer required for this purpose. Where the land had never been used for highway purposes, it carried no highway rights and it appears to have reverted back to the control of the landowner. The situation is explained in a letter from P White, Chief Assistant (Roads), Wiltshire County Council, to Winsley Parish Council 14th March 1991, following their register of interest in the land (Application Exhibit Q):

“I refer to your letter dated 28th February, 1991, in which you register the Parish Council’s interest in land which has been reserved for completion of the bypass around Winsley. The Transport and Highways Committee has recently approved a revised line for the eastern end of the bypass and shortly a planning application will be made based upon this revised alignment. If approved, some of the land which is currently reserved for the bypass, but which is temporarily used as play area, may no longer be required. However, this is not owned by the County Council. At the time the housing development took place the land was dedicated to the County Council for “highway purposes” as part of a planning agreement. The area which is not used for highway purposes must therefore, be returned to the control of the freeholder of the land who I presume to be the original developer of the site, Alfred Robinson of Harrow.

You will see therefore, that the County Council will not be in a position to dispose of any of the land not required for the bypass. In due course, after the area of surplus land has clearly been identified, it may be necessary to make

contact with the landowner in which case I will register your Council's interest."

35. In a memo from the Director Planning and Highways, P White (Chief Assistant (Roads), to Director of Property Services 12th April 1991 (Application Exhibit Q), it is stated:

"...I can confirm that the 'play area' was not excluded from the S.40 Agreement as suggested in the correspondence attached to your memo, and as a consequence was included on the adoption plan. However I have discussed the matter with Mr. G. Harris and his comments can be summarised as follows:

- 1. Even though the adoption plans show the whole of the 'play area' as being highway, in fact on the ground this area has not been used for highway purposes and is not therefore highway. It is clear that the intention was for this land to be reserved for highway use if so needed.*
- 2. If the 'play area', in whole or in part is not required for highway purpose there will be no need to make application to Magistrates Court to have highway rights extinguished as they do not exist. Total control of this land would revert to the freeholder, presumably Robinsons.*
- 3. The Parish Council would therefore need to negotiate with the landowner if they wish to purchase that part of the 'play area' that is not required for the bypass."*

36. This is reflected in the Parish Council minutes at the time (Application Exhibit F):

26th February 1991:

"ANY OTHER BUSINESS

Land at the east end of the Bypass and at the top of Northfield, Winsley.

The Clerk was asked to write to the Director of Planning and Highways, Wiltshire County Council to express the Parish Councils interest in the above area of land and to ask that before any decision is taken in connection with the use of the land, the Parish Council would like to be consulted."

26th March 1991:

"MATTERS ARISING

b) Land at Northfield. The Clerk read a letter dated 14.3.91 received from the Department of Planning and Highways, indicating that the land, temporarily used as a play area, is not owned by the County Council, but was dedicated to that Council for "highway purposes" as part of a planning agreement. The

area of land was not used for highway purposes, due to the revised line for the eastern end of the Bypass. It is assumed that this will be the developer of the site Alfred Robinson.

When the area of surplus land has clearly been identified the County Council will register the Winsley Parish Council's interest with the landowner."

37. Although there is an understanding locally that the land is owned by Wiltshire Council/County Council or the Parish Council, as seen in the completed evidence questionnaires (see Summary of Witness Evidence at **Appendix 13**), there is no evidence that the application land was ever owned by, or leased to Wiltshire Council or its statutory predecessors, or the Parish Council. In the TVG application form at 11 – "Any other information relating to the application", the Applicant states – *"Ownership of this land was retained by the original builders of the estate, Alfred Robinson, who are now a dormant company. In 2019 the Parish Council established that Alfred Robinson's assets were being managed by Aggregate Industries. In 2020, unknown to the Parish Council, the land was sold to Legacy Land Holdings. This came to light on 12 February 2021 when the land was put up for auction, to take place on 10 March 2021. This has led to significant concern amongst residents of Winsley that the land might be bought and removed from use by residents..."*

Without permission

38. During the period from the 1960's when the Tynings Estate was built to the land being returned to the 'control' of the developer as the landowner when it was no longer needed for 'highway purposes' in 1991, the Objector BKLE claims that (see **Appendix 7**) *"...the Council has essentially licensed the Applicant to use the Application Land for the provision of community recreation space...The Council (who had effective control over the Application Land given its dedication to highway purposes) had assumed authority to permit the Applicant to use the Application Land for the provision of recreational space to local people."*

From 1991 until the landowner became aware of their continued ownership in 2020 the Objector claims: *"The Parish Council had continued to deal with the maintenance of the Application Land, holding itself out as having the authority to do so and as having the authority to permit members of the public to use the land. Many of the EQs state the belief that the Applicant owned the Application Land."*

39. The Applicants correspondence dated 14th April 2022 (**Appendix 10**), disputes this:

“4.2. Of the 124 respondents to the Evidence Questionnaire:

- *none had ever sought permission to use the land from the owner of the land at the time (Robinsons).*
- *none had ever been denied or granted permission to use the land by the owner of the land at the time.*
- *none had ever been discouraged or prevented from using the land by the owners of the land at the time.”*

40. It is not possible to register land as a TVG, where it is already recorded as highway, or where the land is registered as “Public Open Space” and use of the land for lawful sports and pastimes may not be “as of right”, rather “by right”, on the basis of public licence where land is acquired and held by a public body. The case of R (on the application of Barkas) (Appellant) v North Yorkshire County Council & Anr (Respondents) [2014] UKSC 31, considered the case of Helredale playing field, Whitby, subject to a TVG application and owned by Scarborough Borough Council, acquired as part of a larger site by their predecessor, Whitby Urban District Council, acting pursuant to their powers under section 73(a) of the Housing Act 1936, which permitted a local authority to acquire land as a site for the erection of houses. Most of the land was then developed including the laying out and maintenance of the field as recreation grounds pursuant to section 80(1) of the 1936 Act. The Inspector at inquiry found that whilst use of the field met all the other requirements of section 15(2) of the Commons Act 2006, use of the field had been “by right” rather than “as of right”, as required under section 15(2), the question on appeal to the Supreme Court being:

“12. ...where land is provided and maintained by a local authority pursuant to section 12 of the Housing Act 1985 or its statutory predecessors, is the use of the land by the public for recreational purposes “as of right” within the meaning of section 15(2)(a) of the Commons Act 2006?”

Lord Neuberger, giving leading judgement, found that:

“21. ...So long as land is held under a provision such as section 12(1) of the 1985 Act, it appears to me that members of the public have a statutory right to use the land for recreational purposes, and therefore they use the land “by right” and not as trespassers, so that no question of user “as of right” can arise.”

41. It appears that the land was held by Wiltshire County Council for highway purposes from 1968 to around 1991, when it was no longer required for that purpose and returned to the control of the landowner, (Robinsons). When the caselaw is applied, it follows that, for the period during which the land was held for highway purposes, the land is not registerable as a TVG because the statutory incompatibility test applies and therefore any use of the land between 1968 and 1991 would not be qualifying user “as of right”, where use during that period is “by right”.
42. On the evidence provided by the Parish Council (M J Allison, see paragraph 33 above), it appears that Wiltshire County Council agreed to use of the land as a play area, however, there is no evidence that at any time the land was owned or leased by the Council, having the power to grant such rights/permission, the land was held specifically by the Authority for highway purposes and remained fully in private ownership. Additionally, once the land was no longer required for highway purposes in around 1991, the land was returned to the full control of the landowner, Robinsons, the developer and during the user period in question in this case, i.e. 2001-2021, the land was not held/owned/leased by Wiltshire Council or its predecessor Wiltshire County Council.
43. Witness evidence suggests that the majority of users of the land did not seek and were not granted permission before using the land. When asked if they had ever sought permission to use the land, (Question 13 in the questionnaire), 119 confirmed that they had not sought permission with comments as follows, (with individual witness number – see **Appendix 13** Summary of Witness Evidence and Application, Exhibit J User Evidence Forms):
- 48 – I have always thought that it was free to access and there was no indication to the contrary at any time.
 - 61 – It was clear to everyone it was free to use as a public play area and this was never challenged or questioned to my knowledge.
 - 73 – It is public access land.
 - 75 – No permission seemed necessary.
 - 77 – We thought it belonged to the village!
 - 89 – Wasn’t ever any reason to – it was open access from the road with no restriction or signage. No one ever spoke to me or my friends about using the land. When we built the bonfire in the run up to Nov.5th there were no comments or attempts to prevent us.

- 98 – We didn't need permission, it was spare land that the Council just kept tidy.
- 99 – It has always been open to the public with no signs saying otherwise. Have never been asked or stopped from using the land.
- 111 – Assumed it was the Winsley residents right to use.
- 124 – My understanding is that this was not necessary as I believed the parish owned the land for community use.

3 respondents confirmed that they had requested permission:

- 65 – Yes, from Parish Council, 4 yrs ago requested that a Parish Council meeting raise the idea of planting a community orchard and putting in an outdoor table tennis table, (declined).
- Mr J Allison, as at paragraph 33 above.
- 104 – Yes contacted Parish Council for possible use for under 5's football training / Bradford Town Youth Club (permission denied). NB have not sought permission for my children to go and play there with friends.
- Although witness no.10 states that no permission to use the land was sought/granted, they confirm that Bradford Youth Football Club requested use for reception childrens football on Saturday, but this was refused.

2 respondents did not know if they had requested permission.

44. Clive Bolshaw in correspondence dated 30th November 2021 (**Appendix 8**), confirms – *“The Northfield Playing Field has always been regarded by Winsley residents as a safe, pleasant green space for children’s play, away from traffic and freely available to all without requiring anyone’s permission.”*

Without Force

45. In the Planning Inspectorate publication “Wildlife and Countryside Act 1981 Definitive Map Orders Consistency Guidelines”, (updated 16 March 2021) it is stated that *“force would include breaking of locks, cutting of wire or passing over, through or around an intentional blockage such as a locked gate.”*
46. In correspondence dated 14th April 2022 (**Appendix 9**), the Applicants confirm that *“4.3 Since its creation as part of the Tynning housing estate there has always been open access along one side of Northfield playing field, allowing users to access the land freely and without secrecy. Fifty-seven respondents to the Evidence Questionnaire had accessed the land via Northfield or from the bypass (B3108); 49 had walked to the land and 7 had cycled; 10 stated it*

was open access land or that they accessed the land ‘through the obvious entrance’. These responses demonstrate that there was no secrecy involved in using the land.”

47. In the user evidence forms (Application Exhibit J), 40 respondents confirm that they accessed the land from Northfield, 1 confirms access from the bypass; 15 confirm access from both the bypass and Northfield and 4 neighbouring property owners confirm use via their garden gates, directly onto the land, (see Summary of Witness Evidence at **Appendix 13**). The evidence forms are completed around May 2021, at which time 24 respondents confirm that the land was unfenced and open. The evidence suggests that the land has previously been unfenced on the Northfield (west) side and remained so at the time of the TVG application, giving witnesses free and direct access onto the land, without the need for use by force. Mr David Morrell in evidence includes the photograph below of the application land, which is undated, but his use of the land spans from 1990 to 2021 (Application Exhibit J):



Rebecca Burvill submits a photograph of use of the land for a birthday party on 7th June 2020, which appears to show the land unfenced from the highway behind the attendees (Application Exhibit J):



As part of the application, the Applicant includes a Google Street View image of the land in 2009 (Exhibit I), showing no fence from the highway, Northfield, (see paragraph 28 ii).

48. The land was fenced by the current landowner BKLE in July 2021, after the sale of the land and the TVG application. Any use after that date, i.e. crossing/breaking the fence/lock would be user by force which is not qualifying user “as of right”:



Wiltshire Council photograph of application land (west side against Northfield) – November 2021

49. Open access to the land from Northfield (prior to July 2021) is supported by residents in correspondence, (see **Appendix 8**):

Janet and Chris Baker – 21st December 2021 – *“For the 34 years that we have lived near NPF [Northfield Playing Field] it has always been a freely accessible area with no fencing or signs limiting use or access.”*

T Hogan & Family – 4th December 2021 – *“I have resided, and with my wife brought up our two boys in Winsley over the last 23 years. Throughout that time and along with other villagers we have frequently enjoyed unfettered [sic] access to Northfield playing field for ad hoc recreation purposes with our boys...As well as witnessing other local people using the facility (until recently unfenced) while I have lived here and furthermore I have never seen any overt notice to suggest the site was anything other than common land for recreation.”*

S Winter-Alsop – 2nd December 2021 – *“I have personally been using Northfield Playing Fields for recreational purposes as of right since I was a child. I am approaching the age of 28 and can remember visiting Northfield from around the age of 6 onwards. Access has never been prevented over the 21.5 years I have used the land with my friends and family. I always believed Northfield Playing fields belonged to the parish council or community. As far as I am aware, no land owner has tried to prevent the community from using the playing field since the village green application was submitted. The public have been able to access the land as of right without interruption.”*

50. Use by force does not refer just to physical force, but also where use is deemed contentious, for example by erecting prohibitory notices in relation to the use in question. In the Supreme Court Judgement R (on the application of Lewis) (Appellant) v Redcar and Cleveland Borough Council and another (Respondents) (2010), Lord Rodger commented that:

“The opposite of “peaceable” user is user which is, to use the Latin expression, vi. But it would be wrong to suppose that user is “vi” only where it is gained by employing some kind of physical force against the owner. In Roman law, where the expression originated, in the relevant context vis was certainly not confined to physical force. It was enough if the person concerned had done something which he was not entitled to do after the owner has told him not to do it. In those circumstances what he did was done vi.”

51. In correspondence dated 14th April 2022 (**Appendix 9**), the Applicant confirms *“4.4 There is no evidence of, and residents who have lived in the area*

throughout the 20 year period do not recall, any form of prohibitory signage ever being installed on the land.”

52. In the evidence questionnaires (Application Exhibit J), 117 respondents claim that there were no gates/fences/signs or other measures to deter use of the land (Question 15. Are you aware of any attempt made by notice, fencing or other means to prevent or discourage use being made of the Land by local inhabitants? – see Summary of Witness Evidence at **Appendix 13**):
- 48 – There has been a ‘goal post’ which seemed to encourage rather than deter participation.
 - 84 - I am aware the land has been used throughout, as agreed, without challenge.
 - 89 – In all the time I used the land (and whenever I have seen it since – my mother lives in the village and used the land on bonfire night(s) with me, my father and sister), I never saw any attempt in any way to restrict my use of the land or anyone else’s...No one ever restricted use, prevented bonfire building, play etc.
 - 122 – Never in my 46 years of living at Northfield.
- 1 respondent confirmed:
- 10 – We were told local residents often blocked erection of new goals and would complain at BTYFC (Bradford Town Youth Football Club) use.
- 5 respondents did not know and 1 respondent left Question 15 blank.

Without Secrecy

53. In objection the landowners BKLE state (12th February 2022 – see **Appendix 7**):

“24. It cannot be genuinely said that the users of the Application Land (and no admission is made regarding the nature and extent of any of the claimed use) were asserting a right as against the owner of the land such that the owner had to choose between warning them off or them establishing a right...”

28. There is no evidence that the Council ever did return the Application Land to the ‘control’ of the original owner [once the land was no longer needed for highway purposes]. The fact of its continuing ownership only came to the owner’s attention when the Applicant contacted the owner regarding a separate piece of land in 2020. The Parish Council had continued to deal with the maintenance of the Application Land, holding itself out as having the

authority to permit members of the public to use the land. Many of the EQ's state belief that the Applicant owned the Application Land. It is inconceivable in those circumstances that the landowner, who thought the Application Land had been dedicated to highway purposes and considered itself to have been divested of the obligations and opportunities of ownership, would have had any reason to object to use of the Application Land by local inhabitants.

29. In the circumstances it cannot possibly be concluded that any use of the Application Land by members of the community amounted to an assertion of any right against the landowner that required the landowner to elect to either ignore its continuance or object to such use. The use relied upon by the Applicant cannot be properly described as use as of right."

54. The Applicant states (14th April 2022 – **Appendix 9**) – *"4.5 The landowner would have been able to tell that the field was well used and looked after by the local community (for example, from the goalpost in the field, the worn grass and the maintenance of the area). As use of the land was clearly not by stealth the landowner could, at any point during the 20 year period in question, have identified that the land was being used by local residents and could have exercised his right to prevent use of the land. The landowner did not do this at any point."*

55. In correspondence dated 3rd June 2022, the Objector BKLE (see **Appendix 10**), suggests that the Applicants have in the above-correspondence sidestepped 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...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 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."

56. There is evidence that the land was maintained by the Parish Council and even goalposts erected on the land by them, as well as plans to build a skate ramp / BMX track and erect benches on the land which never came to fruition, all of which is set out publicly in Parish Council minutes. Certainly, in considering use by local inhabitants, it is necessary to consider how use would have appeared to a reasonable landowner as Lord Hoffman giving leading judgement in the Sunningwell case, states:

“In Mann v. Brodie Lord Blackburn put the rationale as follows, at p. 386: “where there has been evidence of a user by the public so long and in such a manner that the owner of the fee, whoever he was, must have been aware that the public were acting under the belief that the way had been dedicated, and has taken no steps to disabuse them of that belief, it is not conclusive evidence, but evidence on which those who have to find the fact may find that there was a dedication by the owner whoever he was.

My Lords, I pause to observe that Lord Blackburn does not say that there must have been evidence that individual members of the public using the way believed there had been a dedication. He is concerning himself, as the English theory required, with how the matter would have appeared to the owner of the land...

...namely that they must have used it in a way which would suggest to a reasonable landowner that they believed they were exercising a public right.”

57. Whilst the current owner of the land in this case, whose ownership is from March 2021, provides evidence that the previous owner of the land was effectively unaware of its ownership until 2020, it is noted that there is no evidence provided from previous landowners as first-hand testimony on this point and that the March 2021 sale particulars show an aerial view of the land with two goalposts in place and a worn area around the goals which might suggest to a prospective purchaser that the land was being used for sports and pastimes (Application Exhibit D).
58. Cllr J Kidney, Wiltshire Councillor for Winsley and Westwood in correspondence dated 29th December 2021 (**Appendix 8**), states: *“The Parish Council submitted this application to register the playing [sic] as a Village Green prior to the recent sale of the freehold land. The application was made known to the auctioneers who were asked to include this information within the sale particulars. There was also extensive publicity around the submission of the application. Any potential purchasers will therefore have had every*

opportunity to be aware of the intention to register this valued amenity space as a Village Green.”

59. The evidence of C & G Pearce in undated correspondence with e-mail dated 1st December 2021 (**Appendix 8**), suggests that the original developer of the land and owner, is likely to have been aware of use, given that the 4 properties adjoining the land had access from their gardens: *“We have always had access to the play area from our garden and we know from the previous owner that this access has been available since they had moved into the house – the first owners who brought the property from the developer. We can confirm that all 3 houses in Saxon Way that back on to the field all have access from their back gardens...as it has been used since the estate was built.”*

As of Right – The Applicants set out that use of the land by local inhabitants has taken place as of right, the Objector disputes that the use of the land has been: 1) without permission – where it considers that Wiltshire County Council effectively issued a licence to use the land for the provision of community recreation space where it had effective control over the Application Land given its dedication to highway purposes, and 2) without secrecy - where the landowner would not have been aware of use, its true ownership not coming to light until 2020, (the Parish Council continued to deal with the Wiltshire County Council / Wiltshire Council, whom they believed had authority over the land), such that the landowner was not aware that they had to choose whether to object to such use or to acquiesce. Where there is dispute of the evidence which is likely to be resolved by hearing from the witnesses, it is open to the CRA to hold a non-statutory public inquiry at which the evidence of witnesses may be heard and tested under the process of cross-examination, to assist the CRA in its determination of the application.

Lawful sports and pastimes

60. The Objector Mr B Cooper (30th November 2021 – **Appendix 7**) in objection to the application, acknowledges use of the land *“by small boys kicking balls around”*, but confirms that this was on an irregular basis as he and his wife observed, not sufficient to support the field as a village green.

The Applicant, (14th April 2022 – **Appendix 9**), confirms:

“5.5 There are a number of residents who have lived in the village long enough to be able to testify that the land has been used regularly throughout

the 20-year period. For example, Mr and Mrs G Pearce, whose property backs onto the field, provide details of the field being used regularly:

“During the almost 31 years that we have lived here we can confirm that we have had families using the play area on a very regular basis. We have had football, rugby (especially during the time of the world cups), cricket, tennis, and running competitions. We have seen young people learning to ride 2-wheel bikes out there and we have seen adults using it for exercise and personal fitness; we have had end-of-school year picnics...Since lock-down just over 12 months ago the play area has been used daily...”

Northfield resident Ms K Kemp recalls the land being used by herself and her friends from the 1970’s onwards and, as a resident of Northfield to the current day, has seen the land ‘being well utilised by local children and adults’.

5.6 There has been a single goalpost in the field for many years with a photo of the goalpost from Google Maps in 2009 (Evidence I). In 2020 residents, including young children, asked the Parish Council for a new goalpost and two goalposts were installed (no permission was sought for this work) (Evidence E). Photos included on the auctioneers website showed the two goal posts; the worn ground in front of each indicating that they were well used (Evidence D). Bases have also been installed by the Parish Council for two benches planned for the field.

5.7 There are some specific illustrations of the evidence submitted by the Parish Council that indicate that the land has been in general use by the local community for informal recreation for over 20 years. The evidence provided by the Parish Council (responses to the Evidence Questionnaire; additional statements from residents; minutes from Parish Council meetings; photos) is extensive, detailed and clear in demonstrating 20 years of informal use by the local community. It is considered that this evidence is more than adequate to satisfy the statutory test.”

61. In analysis of the evidence questionnaires and representations, the main use of the land is for football (85 witnesses undertaken, 119 saw others playing football), followed by playing (42 undertaken, 113 saw others), picnicking (31 undertaken, 70 saw others). The land seems to be used more for games and sports, as a destination for these activities, rather than walking and dog walking – walking (23 undertaken, 77 seen), dog walking (18 undertaken, 84 seen), i.e. users were not traversing the land to reach another destination, (see **Appendix 15** Witness Evidence – Lawful Sports and Pastimes).

62. There appear to be few community events taking place on the land such as fetes etc, with only one reference to an organised bonfire display (witness evidence form no.89 - Application Exhibit J) – *“When we built the bonfire in the run up to Nov.5th there were no comments or attempts to prevent us. Lots of families attended, fireworks were let off, potatoes and sausages cooked.”* The witness later refers to bonfire night(s) suggesting perhaps multiple bonfire night events, although no additional clarification is given and no other witnesses refer to attending bonfire celebrations on the land. 3 witnesses have had/attended parties on the land (1 seen) and 4 witnesses refer to attending family celebrations (27 seen), (see **Appendix 15**).
63. There do appear to be organised groups using the land, i.e. keep fit/training classes taking place on the land. The Cubs and the Scouts as well as the Winsley Acorns Pre-School appear to use the land for activities. In the evidence questionnaires, 39 respondents confirm that there are no groups using the land; 49 don't know; 2 left blank and 34 confirm that groups do use the land, (see **Appendix 13** Summary of Witness Evidence):
 Cubs/Scouts/Guides/Brownies/Beavers = 20
 Group Keep Fit/Exercise/Personal Training = 15
 Football Club = 2
 Village School = 1
 Visiting School = 1
 Winsley Residents/Children = 9
64. The activities taking place on the land are set out in more detail by residents in correspondence, see extracts at **Appendix 15**. The Applicant refers to Parish Council minutes which refer to children playing golf on the land, however, this is reported as a nuisance and a danger to neighbouring property so is unlikely to qualify as a lawful sport and pastime, it is also noted that it was hoped that this use would not continue to be exercised on the land (Application Exhibit F):

Winsley Parish Council minutes – 26th March 1991:

“MATTERS ARISING. c) Golf Ball Nuisance – Northfield Play Area. The Clerk read a further letter from the parishioner whose property is adjacent to the play area. It was agreed that the Clerk reply to the letter advising of the probable change of use of ownership of this land and also indicating that the boys involved have been alerted to the grave danger inherent in their golf practice. It was hoped that the problem would not arise again.”

65. The evidence questionnaire asks users how frequently they have used the land (124 users) (Question 8 – see Summary of Witness Evidence at **Appendix 13** and Application Exhibit J). Where users have quantified the frequency of use, it appears that the most use is occurring 1-2 times a week (20 users) or weekly (13 users).
Where witnesses do not put a number on their frequency of use the following replies are given:
Many occasions / numerous / frequent / very often / many times / hundreds of times/ extensively / constantly = 21 users
Regularly = 13 users
Occasionally / not often / sometimes / intermittent / whenever / infrequently / ad hoc = 13 users.
66. In undated correspondence submitted with the Application (Exhibit G), K & D Kemp state: *“During Covid and lockdown this area of land has been invaluable to families and they have waited patiently to use the ground when other families were there. This area is used everyday and it [sic] so important to be kept as a village asset. Today there has been over 30 people using it.”* (Mrs Kemp has lived in Winsley all her life and in Northfield, opposite the land, for over 16 years).

Lawful Sports and Pastimes –

The user evidence suggests substantial use of the land, by residents, over a long period. BKLE as the landowner do not make any representations regarding the lawful sports and pastimes which are claimed to be taking place on the land. Mr Cooper agrees that he has seen children kicking a football on the land, football being the main use of the land set out by users, however, he and his wife have observed this use to be infrequent and not sufficient to support TVG status, whilst witnesses using the land suggest frequent use, at least 33 witnesses are using the land weekly or twice weekly.

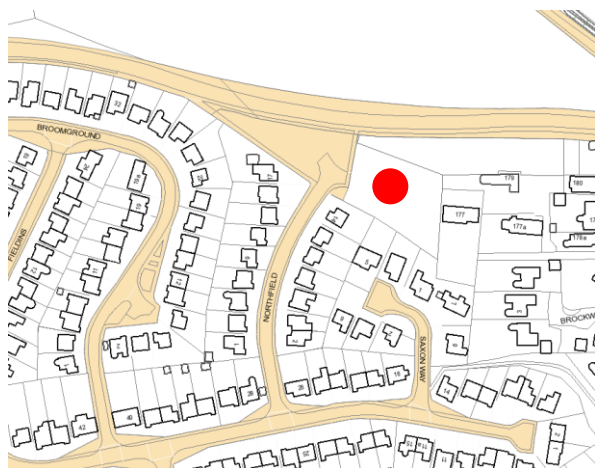
Where there is dispute of the evidence which is likely to be resolved by hearing from the witnesses, it is open to the CRA to hold a non-statutory public inquiry at which the evidence of witnesses may be heard and tested under the process of cross-examination, to assist the CRA in its determination of the application.

On the Land

67. As at paragraph 40 above, it is not possible to register land as a TVG, where it is already recorded as highway, or where the land is registered as “Public Open Space” and use of the land for lawful sports and pastimes may not be “as of right”, rather “by right” on the basis of public licence where land is

acquired and held by a public body (as in the Barkas case), therefore, the current status of the land must be considered.

68. The CRA is entitled to rely upon the highway record which confirms that the majority of the application land is not recorded as highway. This is in contrast to the land located directly to the west of the application land, which was also included in the 1968 Highways Act 1959, Section 40 agreement held for highway purposes, and which is now recorded as highway, (please see current highway record extract below):



Current Highway Record

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69. Officers consider that this occurs where the Winsley bypass was completed in stages. A section of the bypass was constructed over the land to the west of the TVG application land before the eastern section was agreed and completed. The land to the west was used for highway purposes, with Tynning Road and Northfield, before being landscaped, with an adopted footway leading from Northfield to the bypass, once the bypass was agreed on the northern route and the land was no longer required. No part of the bypass was ever constructed on the TVG application land and the Wiltshire County Council, Chief Assistant (Roads) confirms in 1991, that where the application land was not used for highway purposes, highway rights had not been acquired over it and there was no requirement to formally stop up highway rights (see paragraphs 34 and 35). This is not the case for the land to the west over which a section of the bypass was built and used for a time, therefore the two areas are treated separately within the highway record.



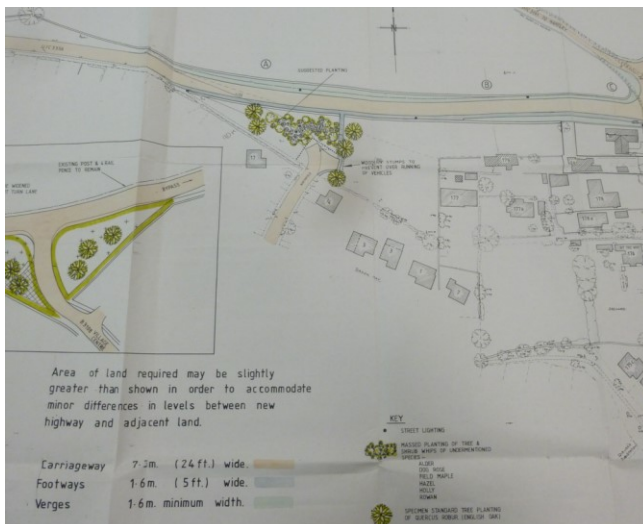
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The WCC Highways Sub-Committee report dated 24 July 1996 – Winsley Bypass B3108 - Proposed Speed Limit, sets out that the bypass consists of 3 lengths: 1) first (central) section completed in the 1960's in conjunction with the construction of Tynning Park Estate; 2) second (western) length completed in the early 1980's in conjunction with the construction of the Church Farm Estate; 3) eastern section to be constructed 1996, i.e. D(i); D(ii) and D(iii) on the plan attached to the report (extract opposite).



Temporary Road Closure Plan showing route of bypass constructed, at one time incorporating Tynning Road, Northfield and the land to the west of the TVG application land, i.e. the bypass was partly constructed over land to the west of the TVG application land (now recorded as highway), but not constructed on the application land itself (not recorded as highway).

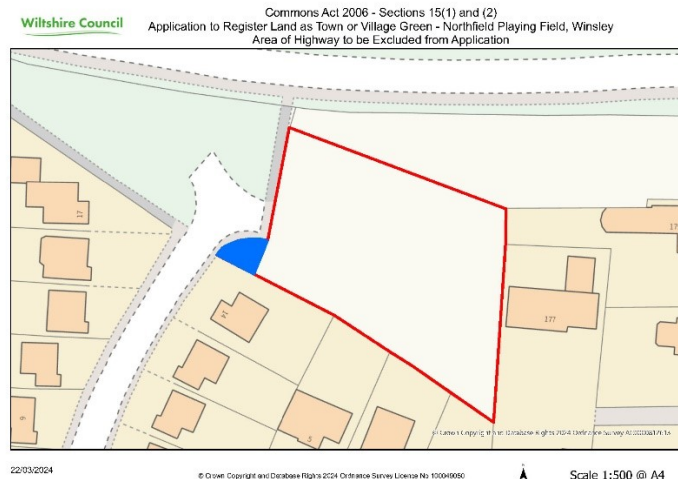
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Wiltshire County Council Plan Completion of Winsley By-Pass Route B – Drawing No.CR0221/1/4, showing the landscaping of the route already partially constructed and provision of new footway leading north from Northfield, on land to the west of the TVG application land, once it was no longer required.

70. It is noted however, that the south-west corner of the application land is already recorded as highway in the highway record. Therefore, if the application is successful, Officers recommend that the section of the application land shaded blue on the plan below, is excluded from land registered as a TVG:



In the Trap Grounds case (Oxfordshire County Council v Oxford City Council & another [2006] UKHL 25), at paragraph 62, Lord Hoffman, giving the leading judgement, considered that it was open to the CRA to register a smaller area, without amendment of the application:

“62. I also agree with the Court of Appeal that the registration authority is entitled, without any amendment of the application, to register only that part of the subject premises which the applicant has proved to have been used for the necessary period. It is hard to see how this could cause prejudice to anyone. Again, I add that there is no rule that the lesser area must be substantially the same or bear any particular relationship to the area originally claimed.”

71. Mr B Cooper, in objection (**Appendix 7**) confirms that the area is a left-over piece of land following the completion of the Winsley Bypass (B3108) and that based on the level of use he has observed *“It certainly could not be described as a playing field, much less a ‘village green’, since it is too small and too close to the bypass and other houses for this purpose. Indeed I believe it’s best use would be for the building of a few additional houses (preferably low cost/social housing).”*

He suggests an alternative site for the location of a TVG “...opposite the entrance to Dorothy House, which has been and continues to be used as a playing field and could be used for the other activities associated with a TVG. Unfortunately I believe it is owned by Dorothy House, even if it is not now used by them as a [sic] overflow carpark since their council approved additional parking arrangements have been completed.”

72. T Richards in correspondence dated 30th December 2021 (**Appendix 8**), confirms: “During our time in the village, [Tyning Estate over 21 years] there has only been 3 spaces I know of where children have been able to play ball games & other recreational games close by:
- the community play area (between the primary school & Lyddieth Court)
 - the football field by Dorothy House
 - Northfield Playing Field, the subject of this application.”

P Seeley – 15th February 2022 (**Appendix 8**) – “You may or may not be aware, but there is only one quite small (and underfunded) park in the centre of Winsley village. Firstly, children no longer have an outdoor space to play sport or football with their friends as they used to when the field was open to the public.

Secondly, the small little park in the middle of the village, has become the only congregation point for other older children, who also used to make use of Northfield playing field to play football. As a result younger children a) no longer have access to Northfield playing field, and b) no longer feel comfortable playing in the small Winsley park as the older children have started using it for their sports, much better suited for Northfield playing field.”

M Legh-Smith – (undated correspondence with Application at Exhibit G) – Facilities Manager Bradford Town Youth Football Club – “With Winsley school nearby, it allows an area of different recreational use to the local playground where the younger academic years play and avoids wayward sporting equipment potentially harming the young children...Aside from the playground there is not anywhere in Winsley where the younger children can walk to on their own and feel safe...”

73. On this point, Officers would agree with the Applicants who, in correspondence dated 14th April 2022 (**Appendix 9**), confirm that that the size and location of the land are not factors for consideration in deciding a TVG application. In addition the consideration of alternative recreation sites within the identified neighbourhood within a locality, are not a relevant consideration,

it is the use of the application land for lawful sports and pastimes by local inhabitants which is in question.

74. Witnesses do not supply plans individually marked with the area they have used with their completed evidence questionnaires, but sign the application plan provided. It is not necessary to demonstrate use of the whole of the application land if not all of the land was used, or it was not possible to use all of the land, where it formed part of the overall character of the land itself. In the Trap Grounds case the question of “...must the “significant number of inhabitants” have set their feet everywhere on the land...?”, was considered. At paragraph 66, the judgement includes the previous findings of Mr Chapman acting as Inspector at the public inquiry in this case, followed by comment on his findings:

“66. Secondly, Mr Chapman dealt with the inaccessibility of a good deal of the scrubland:

“...I do not see why much more densely vegetated land should not be capable of being subject to recreational rights, either by custom or prescription. In my view, it is necessary to look at the words of the statutory definition and to ask whether the scrubland, considered as a whole is land which falls within that definition. In my view, the evidence proves that the recreational use of the scrubland is, and has been over the relevant 20 year period, sufficiently general and widespread, by way of use not only of the main track but also of minor tracks, glades and clearings, to amount to recreational use of the scrubland viewed as a whole.”

67. ...If the area is in fact intersected with paths and clearings, the fact that these occupy only 25% of the area would not in my view be inconsistent with a finding that there was recreational use of the scrubland as a whole. For example, the whole of a public garden may be used for recreational activities even though 75% of the surface consists of flower beds, borders and shrubberies on which the public may not walk.

68. ...Every case depends upon its own facts and I think that it would be inappropriate for this House in effect to legislate to a degree of particularity which Parliament has avoided.”

75. In applying this caselaw in the Winsley case, it is considered that where the area is relatively small (approximately 1,860m²) and the main use of the land has been for activities such as football and playing, it is likely that these activities have covered the whole of the application land. The Objectors make

no representations to suggest that any part of the application land should be excluded.

On the Land –

Mr B Cooper disputes that the land is suitable as a TVG and that there is an alternative site more suitable for use as a TVG. However, the Applicant considers that the size and location of the land are not factors to be considered in the determination of a TVG application, as is the provision of alternative recreation areas within the identified neighbourhood within a locality.

It is recommended that if the application is successful, a small area of land at the south-west corner, which is recorded highway and not capable of registration as a TVG, should be excluded.

Where there is dispute of the evidence which is likely to be resolved by hearing from the witnesses, it is open to the CRA to hold a non-statutory public inquiry at which the evidence of witnesses may be heard and tested under the process of cross-examination, to assist the CRA in its determination of the application.

For a period of at least 20 years

76. In this case the application is made in March 2021, at which time the application land was accessible along its western side to Northfield, before its fencing by the new owner in July 2021. The application is made under Section 15(2) of the Commons Act 2006, with use continuing at the time of application, the user period in question is therefore 2001 – 2021. Of the 171 respondents – 25 have used the land for the whole of the user period in question and 80 have used the land for part of that period (see Summary of Witness Evidence at **Appendix 13**). It is not necessary for all users to have used the land for the full period of 20 years, however, it can be a cumulative effect to support use over that period.

77. The Objectors BKLE in their correspondence dated 12th February 2022 (**Appendix 7**), state that: *“On the whole the evidence contained in EQs is wholly inadequate to amount to sufficient evidence of use to justify registration of any piece of land as a new TVG. The evidence contained therein, such as it is, is so general and unspecific as to be of little probative value.”* They list some examples:

“...the EQ of Suzanne Stark says she used the land between 1992 and 2007. She says in reply to a question about frequency of use “many times when our children were young”. As evidence of use within the relevant application

period that EQ is worthless because it does not give any information about whether the claimed activity actually occurred during the application period.

The EQ of Richard and Pam Cornforth does not constitute evidence of qualifying use because their claimed use ceased in 1986. The same is true of Lucy Allison whose use ceased in 1993.

The EQ of Mr and Mrs GV and JM Connor claims use between 1989 and 2021 yet in terms of frequency it says “very often from 1989 with our children and now grandchildren”. Given the nature of that use it seems highly improbable that such use has been continuous from 1989 – 2021. There has inevitably been a period between the children getting older and grandchildren coming along during which no use of the type claimed was made of the Application Land with either children or grandchildren within the period during which use has been claimed. That detail, as is always the case with EQ evidence, is absent and the exact nature and frequency of such use can only be established following cross examination at a public inquiry.

32. The aforementioned EQ’s are just a few examples (and there are many more) that speak to the wider point. The evidence so far produced by the Applicant, notwithstanding its first appearance as being extensive, in fact says very little as to the detail of use actually made of the Application Land during the application period, any use outside that period being totally irrelevant to meeting the statutory test for registration...

35. ...As was recognised in R (Suffolk County Council, ex parte Steed (1996) 75 P & CR 102, the burden of proving that the statutory test is met lies firmly with the Applicant. It is no trivial matter for a landowner to have land registered as a TVG and all the statutory elements required to establish a new TVG must be “properly and strictly proved”, per Pill LJ. The evidence so far produced falls a long way short of what is required.”

78. The Applicant confirms (14th April 2022 – **Appendix 9**):

“5.4 The summary results from the Evidence Questionnaires (Evidence L) show that:

- 66 households had used the land for some of the 20 year period and were still using the land at the current time.*
- 16 households had used the land during the 20 year period being considered for the TVG application but were not using the land currently.*

- *28 households had used the land prior to the 20 year period being considered for the TVG.*

79. The Applicant confirms that where the statutory requirement is use of the land “for a period of at least 20 years”, they include all evidence from residents including those who used the land prior to the relevant 20 year user period. The earliest period of use begins in 1969 and the land is first known from 1961, which corresponds with the building of the Tynings Estate in the 1960’s. However, where the land was held for highway purposes from 1968 - c.1991, use of the land during that period cannot be considered as qualifying user “as of right”, where the statutory incompatibility test is met. It is considered that the statutory incompatibility test no longer applies after 1991, i.e. when the land is no longer held by the Authority and reverts back to the control of the landowner. Therefore, qualifying user can only be considered after 1991, in any case this does not affect the user period in question of 2001-2021.
80. In correspondence dated 3rd June 2022 (**Appendix 10**), the Objector BKLE comments on the additional statements submitted in support of the application after the advertisement of the making 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 [Objection Statement] 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.”*

For a period of at least 20 years –

Witnesses support use of the land for at least 20 years and there is evidence of user long before the relevant user period 2001 – 2021, since the Tynings Estate was built in the 1960’s, although only use since c.1991 may be considered as qualifying user as of right, where the land was previously held by the Highway Authority for highway purposes and the statutory incompatibility test applied. The Objectors dispute the sufficiency of the evidence which in their view, although extensive on first appearance, gives very little detail of the use actually made of the application land during the application period and any user outside the period 2001 – 2021, is, in their view, irrelevant.

Where there is dispute of the evidence which is likely to be resolved by hearing from the witnesses, it is open to the CRA to hold a non-statutory public inquiry at which the evidence of witnesses may be heard and tested under the process of cross-examination, to assist the CRA in its determination of the application.

Use continuing

81. The application is made under Sections 15(1) and (2) of the Commons Act 2006, with use continuing at the time of application. The evidence suggests that at the time of the application in March 2021, the land was accessible, the western side being unfenced from the Northfield highway and it was possible to continue using the land. However, the land was sold at auction in March 2021 and it was reported that the new landowner was erecting a fence in July 2021 on the Northfield side, to prevent access. When Officers from the CRA visited the site in November 2021 it was not possible to access the land and it was fenced off with a padlocked gate, (see photographs at **Appendix 3**). In the evidence questionnaires completed May 2021, after the TVG application and prior to the fencing, 24 witnesses give evidence of the land being open and accessible, at that time, (see Witness Evidence Summary at **Appendix 13**). However, in the evidence produced in the statements to the formal consultation in November 2021, after the fencing of the land, witnesses now make reference to use being prevented by the fencing (please see representations in full at **Appendix 8** and relevant extracts at **Appendix 16**).

Use continuing –

It is the Officers understanding that at the time of the application in March 2021, the land was open and accessible and the evidence submitted from 12th November 2021 to the formal consultation regarding the application, suggests that users could continue using the land from the time of application, up until the fencing of the land in July 2021. This is not disputed by the Objectors.

Other Matters

82. In correspondence dated 13th December 2021 (**Appendix 8**), E Townsend is concerned regarding the effect on property if the playing field is developed: *“I live at ■ Northfield...The Northfield playing field runs adjacent to our garden and the side view from our house overlooks the playing field across to other fields on the other side of the Winsley by-pass...The development of the playing field would likely have a negative affect [sic] on the value of our house and those of our neighbours whose houses border it as our view would be of new houses rather than green fields...”*
83. Certainly the registration of the land as a TVG protects land from development, as per the Victorian Statutes:

Section 12 of the Inclosure Act 1857 – *“If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid...”* These activities on a TVG become a criminal offence and are tried in the Magistrates Court. Action may be brought by any Church Warden or Overseer of the parish, or the landowner.

Section 29 Commons Act 1876 – *“An encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the Inclosure Act 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned...”* These activities on a TVG become a public nuisance and an action may be brought by any inhabitant of the parish, or any Church Warden or Overseer of the Parish, or the landowner. Work carried out with a view to better enjoyment of the town or village green or recreation ground (i.e. linked to enhancing its recreational use) is not unlawful.

84. However, the development potential of the land is not a consideration permitted in the determination of an application made under Sections 15(1) and (2) of the Commons Act 2006 to register land as a TVG. It is only possible to consider the evidence of use of the land by local inhabitants for lawful sports and pastimes, as of right for a period of 20 years or more.

Conclusion

85. There is a significant amount of evidence submitted in support of the application, however, the evidence of whether a significant number of

inhabitants of any locality, or 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, is in dispute. The application and supporting evidence are disputed by the Objectors on 3 main grounds as set out in the objection of BKLE dated 12th February 2022, (see Objections at **Appendix 7**):

- i) Locality/neighbourhood not adequately identified and therefore the Application is not duly made;
- ii) User not 'as of right';
- iii) Evidence inadequate to satisfy statutory test, (which is supported by the objection of Mr B Cooper).

86. It is the duty of the CRA, at common law, to determine the application in a fair and reasonable manner. The CRA has received objections to the registration of the land as a TVG which have not been resolved. A non-statutory public inquiry is therefore considered necessary in this case because the factual evidence is strongly disputed. It is open to the CRA to appoint an independent Inspector to preside over the inquiry and produce a report with recommendations to the determining authority. Although it is open to the CRA to later reject the Inspector's report and recommendation, it can only lawfully do so if the CRA finds that the Inspector has made a significant error of fact or law. If the Inspector's recommendation is rejected, the CRA must give legally valid reasons, supported by evidence of the error of fact or law, otherwise the CRA's decision would be open to legal challenge.

Proposal

87. To appoint an independent Inspector on behalf of the Commons Registration Authority (CRA) to preside over a non-statutory public inquiry at which the evidence of all parties will be heard and tested through cross-examination, and to produce an advisory report and recommendation regarding the application to the Western Area Planning Committee to assist the CRA in its determination of the application to register land known as Northfield Playing Field, Winsley, as a Town or Village Green, as soon as is reasonably practicable.

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

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

Appendix 13 - Witness Evidence Summary (Part 1)

	Witness	Address (Winsley unless otherwise stated)	Statement with application	Statement at consultation	UEF	Length of time land known (relevant user period 2001 - 2021) K = Known U = Used	Frequency of use
1	Mr D K Potter	Broomground			✓	K 1961 - 2021	Not often but family members do
2	Pamela Bennett	Winsley	✓		✓	K 2006 - 2021	Occasionally
3	David & Jan Schweizer	Tyning Road	✓ (David Schweizer)	✓ (Mrs Janet Schweizer)	✓ (David & Jan Schweizer)	K: 1979 - 2021 U: 1990 - 1997	Once or twice a week
4	Brian Cooper	The Mead			✓	K: 1984 - 2021	30 yrs ago son sometimes played football there
5	Barbara May Martin	Tyning Road			✓	K: 1966 – 2021 U: 1969 - 1989	Daily between yrs stated, as appropriate since then when walking on family visits
6	Michael Denbury	Tyning Road	✓		✓	K: 1967 – Present U: 1975 - 1985	Very often and frequently used as our 2 children were growing up

7	Hilary Weatherburn	Saxon Way			✓	K: 1972 - 2021	Many times when my family was young
8	Christopher Ham	Tyning Road			✓	K & U: 1983 - Present	20 times
9	Roger Stride	Broomground			✓	K & U: 1969 - 2021	Whenever our children wanted to play
10	Stuart Smith	Broomground			✓	K & U: 2006 - 2021	Weekly
11	Emma Maisey	Broomground			✓	K: 2015 – Current U: 2019 - Current	Monthly, weekly more recently
12	Simon Carter	Broomground			✓	K: 1995 – 2021 U: 2001 – 2013 U: 2018 - 2021	1-2 per week
13	Maurice Cowley	Broomground			✓	K: 60's – present U: 1988 - 2000	Years ago several times a week
14	Professor (Dr) Nigel R Franks	The Mead			✓	K: 1992 - 2021	N/A
15	Rosemary Rees	Tyning Road		✓	✓	K: 1998 - present	Not at all
16	Chris Holloway	Bradford Road			✓	K: 2005 – 2021 U: 2016 - 2021	Whenever sports injury has required rehabilitation involving jogging on soft surface
17	Suzanne Stark	Broomground		✓ (George & Suzanne Stark)	✓ (Suzanne Stark)	K: 1988 – Date U: 1992 - 2007	Many times when our children were young

18	Cynthia Cooke	Bradford Road			✓	K & U: 1986 - 2021	Occasionally to watch local children playing or to have picnics and play with local children & friends
19	Zoe Anchors	Bradford Road			✓	K & U: 2017 - 2021	Once a week
20	David Elstone	Winsley			✓	K: 1991 – 2021 U: 2010 - 2014	My granddaughter, who attends Winsley Primary School uses the field probably once every 2 weeks
21	Mary Clark	King Alfred Way			✓	K: 1971 – 2021 U: 1974 - 1994	Our children used the land regularly from 1974 – 1994
22	Robin & Sarah Davies	Tyning Road	✓ (Robin Davies)	✓ (Robin & Sarah Davies)	✓ (Robin & Sarah Davies)	K: 1997 – Present U: 1997 - 2006	Whist our daughter was to primary school fairly often to play with friends
23	Hendrik Weber	Broomground			✓	K: 2019 – now U: 2015 - now	Twice per week
24	Sarah Dodd	White Horse Road		✓	✓	K: 2020 - 2021	N/A
25	Mrs Jane Light	The Mead			✓	K & U: 2001 - 2021	Regularly
26	Mr & Mrs M Wedge	Broomground			✓	K: 1973 – 2021	When children were young

27	Mrs M Alvis	Whitehorse Road			✓	K: 1968 - 2021	Children used it from about 1982 - 1986
28	Colin Todd	Ashley Lane			✓	K & U: 2000 - present	Regularly, especially with visiting grandchildren
29	Pam Nadin	Dane Rise			✓	K & U: 2007 - 2021	Often yearly
30	Michael Geddes	Bradford Road			✓	K & U: 2013 - 2021	Twice a week
31	J Tyrie	Limpley Stoke Road			✓	K: 1983 - 2021	Never
32	Mrs Susan Wright	Tyning Road			✓	K: 2005 – 2021 U: 2005 - 2015	Occasionally with my grandchildren
33	Terence Bishop	Cottles Lane, Turleigh			✓	K: 1976 – 2021 U: 1976 – 1986 (with children)	Not recently – with children previously
34	Jane Baddeley	Bradford Road		✓	✓	K: 1998 – 2021 U: 1998 - 2008	Hundreds of times
35	John Martin	Bradford Road			✓	K: 1986 – Date U: 1986 - 1996	Many occasions
36	Ian Bygraves	Church Cottages, Monkton Combe (formerly Bradford Road)			✓	K: 1989 – Date U: 1995 – 2005	Numerous times
37	Mr P Stanley	Fieldins			✓	K & U: 2011 – 2021	Once / twice a week
38	Richard & Pam Cornforth	The Mead			✓	K: 1983 – current U: 1983 – 1986	Frequently in 1983 – 1986

39	Alan Bryant	Brockwood			✓	K: 2016 – 2021	Assumed it was private land so never asked. Did think of using it got golf practice (chipping) if it was empty but went to land by hospital.
40	Roger Rowe	Northfield	✓	✓	✓	K: 1974 – 2021 U: 1983 – 1991 & 2016 – present	1983 – 1991 – Usage by daughter and friend on the estate. 2016 – Present – Intermittent use – football with grandsons visits
41	Barbara Treble	Tyning Road	✓ (Barbara & John Treble)	✓ (Barbara Treble)	✓ (Barbara & John Treble)	K: 1979 – Present U: 1983 – 2000	Average of twice a week
42	Brian & Judith Cable	Northfield	✓		✓	K & U: 2016 – 2021	Daily / weekly
43	Clare Cobbett	Taw Drive, Chandlers Ford, Eastleigh, Hampshire (formerly Tyning Road)			✓	K: 1971 – Present U: 1980 – 1989 & 1999 - 2009	Between 1980 -89 2-3 times a week
44	Rosemary Foster	Tyning Road			✓	K: 1989 – 2021 U: 1989 - 2007	My sons used it every week from the age of 5-18
45	Mrs Gillian Croft	Tyning Road			✓	K: 1967 – 2021	My sons used it regularly when

						U: 1975? - 2021	school age, grandchildren have used it when visiting me
46	John Hames	Millbourn Close			✓	K: 1981 – 2021 U: 1981 – 1988 & 2001 - 2021	4 times per yr during times stated
47	Tim Lerwill	Fieldins		✓	✓	K & U: 2007 – 2021	Multiple, more so in summer months
48	Peter & Joanna Neilson	Broomground			✓	K & U: 2018 - Present	Frequently, the boys have played football and other ball games with ourselves and friends and other families
49	Doreen & David Rees	Broomground		✓	✓	K: 1970 – 2021 U: 1976 – 1991	When our 2 children were young
50	Paul Fry	Broomground			✓	K & U: 2014 - Present	Once a week
52	Mrs Tina Giles	Broomground			✓	K & U: 1993 - Present	4 times a week
52	Graham Hurst	Lindisfarne Close			✓	K & U: 1994 - Current	Daily for walks around the village and when grandchildren came to stay
53	Georgia Ewing	Winsley			✓	K: 1998 – Date U: 2004 - Date	Weekly
54	Carole Robards	The Mead		✓	✓	K: 2001 – 2021 U: 2005 - 2021	Monthly

55	Evelyn Allen	Bradford Road		✓	✓	K: 1976 - 2021	Not specified
56	David Morrell	Northfield		✓ (David & Kathryn Morrell)	✓ (David Morrell)	K & U: 1990 - 2021	At least once a week
57	Clive Bolshaw	Northfield		✓	✓	K & U: 1995 - Now	Frequently
58	Mark Johns	Lindisfarne Close			✓	K : 1981 – 1984 & 1993 – Present U: 1981 – 1984 & 1993 - 2021	Not so much now – more when children were growing up but have been there recently with grandchildren
59	Helen Jones	Broom Ground	✓ (Helen Jones)	✓ (Harold & Helen Jones)	✓ (Helen Jones)	K & U: 1986 - 2021	Most weeks, once or twice
60	Mrs Nicola Haththotuwegama	Tynning Road			✓	K: 1996 – Date U: 2020 - Date	1,2 or 3 times a week
61	Philip Presland	Ryebank Close, Birmingham (formerly Ashley Lane)			✓	K: 1975 – 2021 U: 1975 – 1980 & 2010 - 2021	Regularly as a child 1975-80, Infrequently as a visitor 2010 to date
62	The Bartholomews	Ashley Lane	✓ (Marc & Tiggy Bartholomew)	✓ (Marc, Tiggy, Kiki & Dassi Bartholomew)	✓ (The Bartholomews)	K: 1991 – 2021 U: 2018 - 2021	5 days a week
63	Rickard	Tynning Road		✓ (Doreen Rickard)	✓ (Rickard)	K: 1976 – 2021 (now) U: 1976 - 2021	Regularly for 45 years
64	Jon Lacy & Ruth Harding	Northfield			✓	K: 1999 – 2021 (present) U: 2003 - 2016	When our children were at home approx once a

							week (if not more) over a 13 year period
65	Rebecca Burvill	Tynning Road		✓	✓	K & U: 2011 - present	Weekly
66	Dominick Janes	Broomground			✓	K & U: 2018 - 2021	Every other weekend on average
67	David Hotham	Broomground		✓	✓	K: 1972 – 2021 U: 1976 - 1982	Not for many years
68	Brian N R Dopson	Broomground			✓	K: 1983 – Date U: 1983 - 1995	I do not use it
69	Veronica Bassett	Broomground		✓	✓	K & U: 1972 – 2021 (now)	Moved here as widow with daughters 2 and 5 yrs who made use of land as an extended garden when small
70	Mr & Mrs T Phelps	Dane Rise			✓	K: 1969 – Date U: 1974 - 1992	Many times
71	Xia Wang	Tynning Road			✓	K & U: 2019 - 2021	Once a week
72	Ian Sparrowhawk	Broomground	✓	✓	✓	K & U: 2014 - present	Several times a week
73	Peter Jobson	Tynning Road			✓	K & U: 2009 - 2021	Monthly
74	Gillian Wilson	Tynning Road			✓	K: 2010 – 2021 U: 2010 - 2017	Once a week
75	Tom Richards	Tynning Road		✓	✓ (x 2)	K: 1997 - present U: 2000 - Present	1-2 times a week when children were young

76	Rebecca Salmon	Northfield			✓	K & U: 2017 - Present	Once a day
77	Claire Greenhough	Bradford Road			✓	K & U: 2016 - 2021	Weekly
78	Mr & Mrs GV & JM Connor	Northfield		✓	✓	K & U: 1989 - 2021	Very often from 1989 – with children and now with grandchildren
79	Peter Harding	Bradford Road			✓	K: 2018 – Present U: 2019 - Present	Some weekends weather permitting
80	██████████	Tyning Road			✓	K & U: 2010 - 2021	Occasionally
81	David Sheff	St Nicholas Close			✓	K & U: 2006 - 2021	A couple of times a month
82	Ed Gilby	Bradford Road (1993-2015) (no current address provided)		✓	✓	K: 1993 – 2021 U: 1993 - 2015	Between weekly and monthly
83	Jane Allison	Park Street, Plymouth (formerly Tyning Road)			✓	K: 1972 – Now U: 1980 - 1990	Often (weekly) during older childhood/teenage years as alternative to Tyning Rd play park
84	John Allison	Bradford Road			✓	K: 1967 – 2021 U: 1973 - 2021	Constantly, as required
85	Lucy Allison	Redclyffe Road, Manchester (formerly Tyning Road)			✓	K: 1975 – 2001 U: 1980 - 1993	A few times a year during the period above especially 1985 - 1900

86	Mr N G Maw	Bradford Road			✓	K & U: 2006 - Present	Mostly weekday evenings & weekends during summer time
87	Peter McCaffrey	White Horse Road		✓	✓	K: 2019 – 2021 U: 2020 - 2021	Monthly, but no planned patters
88	Talia Kelly	Dane Rise			✓	K & U: 2015 - 2021	Approx once or twice a week
89	Dave Hayler	Dunsters Road, Bristol (formerly Tying Road)			✓	K: 1971 – 2021 U: 1971 - 1977	During the period, multiple times a week/day depending on where we were playing. The land was used by lots of children.
90	Jerad O'Pray	Northfield			✓	K & U: 2006 - 2021	Extensively, ranging from daily to at least once a week
91	John Barnes	Late Broads		✓	✓	K: 1991 - 2021	None
92	John Strike	Northfield		✓	✓	K & U: 2016 - 2021	Roughly once a week
93	Baker	Bradford Road			✓	K: 2002 – 2021 U: 2005 - 2014	Regular, weekends, holidays between the years indicated
94	Lucy Hayes	Tying Road			✓	K: 2015 – Date U: 2016 - Date	Many times, we use to play football and exercise

95	Evans	Tyning Road			✓	K: 2006 – 2021 U: 2006 - 2014	Regularly while children were school age
96	Kelly Rodgers	Northfield			✓	K & U: 2018 - Current	Weekly
97	Peter and Sharon Hellyer	Ashley Lane	✓		✓	K & U: 2017 - 2021	Many times (every week)
98	Anthea C Ring	Kingston Farm, Bradford on Avon (formerly Ashely Lane)			✓	K & U: 1988 - 2017	Many times in 29 yrs
99	Mark Jones	Tyning Road			✓	K: 2002 – Present U: 2005 - Present	Regularly when children were young, at least weekly during covid lock downs
100	Kevin & Linda Ladner	Dane Close		✓ (Kevin Ladner)	✓ (Kevin & Linda Ladner)	K: 1986 – 2021 U: 1996 – 1998 & 2002 - 2012	Approx weekly – once a week
101	David Gentle	Bradford Road			✓	K & U: 2010 - 2021	Once a month
102	Charlotte Lane	Bradford Road			✓	K: 1991 – 2021 U: 2000 – 2007 & 2019 - Date	Numerous times
103	Sue Wibrow	Tyning Road			✓	K: 1967 – Present U: Early 70's – Mid 90's	Many times when my 3 children were young
104	Matt Leigh-Cole	Tyning Road	✓ (Matt Legh-Smith)		✓	K & U: 2016 - Now	Regularly

105	Gerry & Cynthia Pearce	Saxon Way	✓	✓	✓	K & U: 1990 – Present	Regularly when sons were young
106	Alan J Collier	Broomground			✓	K: 1976 – 2021 U: 1976 – 1990 & 2006 - 2021	Occasionally
107	Mike Starkey	Limpley Stoke Road			✓	K: 2004 – 2021 U: 2004 - 2009	When son was younger he played football there regularly
108	Mrs Daphne J Cox	Ashley Lane			✓	K: 1987 – 2021 U: 1991 - 2021	Weekly
109	Cottrell	White Horse Road	✓ (Margaret Cottrell)	✓ (David & Margaret Cottrell)	✓ (Cottrell)	K: 1984 – Present U: 1984 - 1999	When children were younger always games & lots of fun for them to gather there with friends
110	Sue Ellis	White Horse Road	✓ (Sue, Peter, Chloe & Toby Ellis)		✓ (Sue Ellis)	K & U: 2008 - Present	Weekly
111	Janet Baker	Tyning Road		✓ (Janet & Chris Baker)	✓ (Janet Baker)	K: 1986 – 2021 (present) U: 1986 – 1992 & 2016 – 2021 (present)	Approximately monthly
112	Ruth Hughes	Bradford Road	✓ (Brian Hughes)	✓ (Brian & Ruth Hughes)	✓ (Ruth Hughes)	K & U: 1994 - Now	Regularly
113	Jane Shanklin	White Horse Road		✓	✓	K & U: 2017 - Present	We use the land every time the grandchildren come to stay. We

							walk through the land frequently
114	Lucy Jaquin	Tynning Road			✓	K & U: 2018 - 2021	Numerous times
115	Nick Dewey	Tynning Road			✓	K: 2016 – 2021 U: 2018 - 2021	Weekly
116	Louise Unwin	Bradford Road			✓	K & U: 2006 - Now	Every year
117	Steve Roddy	Tynning Road			✓	K: 2013 - 2021	Use path once a week
118	Claire Smith	Northfield			✓	K & U: 2017 - 2021	Every week / weekend
119	Alexia Bardi	Tynning Road			✓	K & U: 2019 - Present	5 days a week
120	Mr & Mrs D J Kemp	Northfield	✓		✓	K: 1990 ish – 2021 U: 1974 – 1976 & 2004 - 2021	Ad hoc, when the children and grandchildren visit
121	Sylvia A Thwaite	Tynning Road		✓	✓	K & U: 1985 – Present Day	2 or 3 times a week
122	Edward Geoffrey Walker	Northfield			✓	K & U: 1975 - Now	Very infrequently
123	Stephen Denbury	Leigh Park Road, Bradford on Avon (formerly Tynning Road)			✓	K: 1974 – 2021 U: 1974 - 1985	Very frequently as children growing up in Winsley
124	Rachel Hammond	Tynning Road			✓	K & U: 1973 - Present	At least weekly
125	Melanie Halliday	Winsley Acorns Preschool	✓			U: 2013 - Present	
126	Hayley Sutherland	None Given	✓			U: Many years	

127	Phil Walker	Cockhill, Trowbridge (formerly Tynning Estate)	✓			Not stated	
128	Mrs Susan Wriges	Tynning Road		✓		K: Many many years (resident on and off for 50 yrs)	
129	Matt	Northfield	✓			U: 3 years (writing 2021)	
130	Jennifer Cable	Broomground	✓			U: 2012 - present	
131	B Duncombe	Winsley	✓			U: 2012/13 - present	
132	Bethan Sheff	Winsley	✓			K: 2008 - 2011	
133	Rod Smith	Winsley	✓			K: 43 years (writing 2021)	
134	Anonymous	Northfield	✓			U: 2018 - Present	
135	David Mandeville-Shaw	Winsley	✓			K: 2000 - 2005	
136	Wendy Fortt	Winsley	✓			K: 1977 - present	
137	Dr Ben Baddeley	Maresfield Road, Brighton (formerly Winsley)		✓			
138	Julian Baddeley	Madarin Wharf, De Beauvoir Crescent, London (formerly Winsley)	✓	✓		U: 1998 - 2007	
139	Dr Robin Baddeley	Meadowside, *** (formerly Winsley)		✓		U: 1998 - ***	
140	Tim Baddeley	Bradford Road		✓		K: 1998 - ***	
141	Valerie Ball	Winsley		✓		K: Over 40 yrs	

142	Steve & Trish Bowles	Winsley		✓		K: Generations	
143	Rachel Cawte	None Given		✓		U: 2005 - ***	
144	K & S Cole	Saxon Way		✓		K: Until early 90's and more recently	
145	Diana Deal	Bradford Road		✓		K: since 1998	
146	David & Brenda Easterbrook	Millbourn Close		✓		K: Late 60's early 70's Moved away returned 1982	
147	Peter Eley	Murhill, Winsley		✓		Not given	
148	David, Jo, Ben & Evie Forbes	Northfield Road		✓		U: 2016 - present	
149	M D Golding	Millbourn Close		✓		Not given	
150	RWF Golding	Millbourn Close		✓		K: Nearly 40 years	
151	David & Sue Gosling	Turleigh, Winsley		✓		Not given	
152	David Yeshe Green	Tynning road		✓		K: Many decades	
153	Bleddyn Griffith	Winsley		✓		Not given	
154	Terry Hogan & Family	Tynning Road		✓		K: 1999 - Present U: Last 23 years	
155	Robert Howes	Fieldins		✓		Not given	
156	Mrs S J Hughes	Winsley		✓		K: 2007 - present	
157	Rebecca Janes	None Given		✓		K: Generations of my family U: *** - purchase of land	

158	Carole & Clive Jenkins	Cottles Lane		✓		K: A number of yrs	
159	Sarah Kearney	Turleigh, Winsley		✓		K: Several generations	
160	Cllr Johnny Kidney	Wiltshire Council Member for Winsley & Westwood Division		✓		K: For generations since estate built late 1960's	
161	John & Ursula Mountford	Fieldins		✓		Not given	
162	Keith & Jean Potter	Winsley		✓		K: Over 40 years	
163	Kath Reckless	Winsley		✓		K: 30 years	
164	Peter Robards	Winsley		✓		U: Over 20 years	
165	Katie Rutter	Winsley		✓		Not given	
166	Pamela Seeley	Millbourn Close		✓		K: 7 year old child and friends played there	
167	Joy Skurczynski	Winsley		✓		K: Long term resident	
168	John Treble	Tyning Road Estate	✓ (Barbara & John Treble) (already counted with Barbara Treble)	✓ (John Treble)	✓ (Barbara & John Treble) (already counted with Barbara Treble)	K: 1979 – over 50 years U: 1982 - *** Now used with granddaughter	
169	Edward Townsend	Northfield		✓		K & U: since 2017	
170	Barbara Wilson	Broomground		✓		K: Since 1983	

171	Samuel Winter-Alsop	Winsley		✓		U: From 6 onwards (now 28 yrs old)	
Key		Winsley Resident Not current Winsley resident Former Winsley resident No address given	29	70	124	Used full user period 2001 - 2021 Used part of user period 2001 - 2021	Frequency considered in further detail in table below.

Frequency	No of Witnesses (UEF's only)
Quantified:	
Daily	4
5 times a week	2
4 times a week	1
2-3 times a week	3
Several times a week	2
1-2 times a week	20
Weekly	13
Summer evenings and weekends	1
Every other weekend	1
Some weekends	1
2 times a month	2
20 times	1
Monthly	7
4 times a year	1
Afew times a year	1

Yearly	2
Not Quantified:	
Many occasions / numerous / frequent / very often / many times / hundreds of times / Extensively / constantly	21
Regularly	13
Often	2
Multiple	2
Occasionally / not often / sometimes / intermittent / whenever / infrequently / ad hoc	13
Lack of use:	
Not Used	4
N/A	2
Frequency not specified	1

Witness Evidence Summary (Part 2)

Witness	Permission	Access	Notices / fences / other means to discourage use	Local inhabitant	Landowner (before auction March 2021)	Groups or Organisations using land	Additional Info
1	No	From Northfield or via access gate on bypass near rugby club	No	✓	PC or WC	Don't know	
2	No	On foot from top of Northfield or through gate on B3108	No	✓	Don't know, but PC paid for maintenance or several decades	No	
3	No	Walk	No	✓	Thought WC – Highways Authority	No	
4	No	On foot	No	✓	Local Farmer	No	
5	No	Open access via Northfield or link road before the bypass	No	✓	The Council – through provision of original equipment and recent refurb of goal posts	Don't know, however recall Cubs, Scouts, Guides, Brownies etc using land for external recreation during clement weather occasionally	
6	No	Always been open land	No	✓	Wiltshire CC Winsley PC Upkeep and maintenance of land has always been by these	No	Additional statement with UEF – Lived on Tynning Road since 1967

							when Tynning Park Estate was starting construction PC papers referring to "Playing field"
7	No	From Northfield cul-de-sac	No	✓	Robinson the Developer	Don't know	
8	No	Via Northfields	No	✓	PC	No	
9	No	Walk	No	✓	Winsley PC	Don't know	
10	No	Via Tynning Road / Northfield	Yes – we were told local residents often blocked erection of new goals and would complain at BTYFC use	✓	PC	No – Bradford Youth Football requested use for reception children football session on Saturdays but this was refused	Denied permission only when BTYFC enquired about use for reception aged children
11	No	Via Northfield or bypass gate	No	✓	Council / Local Authority	Local Cubs group	
12	No	Northfield	No	✓	PC	Don't know	
13	No	Off main road	No	✓	WC	Don't know	
14	No	N/A	No	✓	Thought land was publicly owned for collective good	Don't know	Not used the land
15	No	Open access	No	✓	No idea	No	Not used the land

16	No	Via the obvious access	No	✓	Unknown. Assumed community asset as per other areas within village	Fitness groups	
17	No	Northfield	No	✓	Winsley PC	No	
18	No	At the edge of Northfield	No	✓	The Estate Developers or the Council	Don't know, aside from other people and families in the village	
19	No	Walk	No	✓	The Local Council	No	
20	No	Walk via Northfield	No	✓	Winsley PC - for the past 20-30 years it has been maintained by WPC and playing equipment provided for most of that time	Don't know	
21	No	From Northfield	No – unless the new owner who purchased it at the recent auction has done so?	✓	Winsley PC	Don't know	
22	No	Via Northfield	No	✓	PC	Don't know	Additional comment with UEF
23	No	Walking there	No	✓	I didn't think much about it but assumed it was public land	Don't know	
24	No	From Northfield Road	No	✓	The Parish for Winsley	I think it is often used by children to play	Never used the land but we have only lived here for 1 yr

25	No	From bypass road and via Northfield	No	✓	PC	No	
26	Don't know	From Broomground - Northfield	No	✓	Don't know	Don't know	
27	No	From Northfield	No	✓	Robinson Builders	No	
28	No	Either via Northfield or from Bypass	No	✓	Assumed it was owned by the Parish	Don't know	
29	Don't know	Footpath	Don't know	✓	I thought it was common land	Don't know	
30	No	Walk up Northfield and you arrive there	No	✓	The company who built the Tynning Estate	Yes – Winsley residents	
31	No	N/A	No	No		Don't know	Not used land
32	No	By Walking from my house	No	✓	Never knew who the owner was – I thought it was owned by the PC for the Village	(Blank)	
33	No	Via Northfield	No	✓	The original developers – Alfred Robinson	Don't know	
34	No	We walked into it	No	✓	The Village	Don't know	Additional Comment with UEF – Julian Baddeley
35	No	From the road	No	✓	The PC	Don't know	
36	No	Walked to it	No	✓	The village of Winsley	Don't know	
37	No	Just walk straight into it – open access	No	✓	Local residents of Winsley / Wiltshire Council	Yes – Local children / teenagers for general recreation	
38	No	Via Northfield	No	✓	PC	No	

39	No	Never used	Don't know	✓	Thought it was private for houses around it	Yes – can see often what looks like physical exercise from out bedroom witing every morning	Never used land
40	No	Walk across road	No	✓	The PC – They saw that it was kept tidy and safe – Provided goal posts – thought it was their job.	Don't know	
41	No	From the pavement of Northfield	No	✓	We assumed that the PC owned it as it has been maintained by them since the houses were built in 1968	Don't know	Additional statement with UEF
42	No	Walk across the road	No	✓	The local council – they cut the grass and have just installed new goal posts	Yes - Cubs, Keep Fit	
43	No	Straight off the road	No	✓	PC	No	
44	No	Walked onto open field	No	✓	Winsley PC	Yes – 1 st Winsley Scout Group used to use the land for group activities	
45	No	Walked	No	✓	Winsley PC	No	
46	No	Via the estate	No	✓	Council	Don't know	
47	No	Walk onto land as unfenced	No	✓	Winsley PC	No	
48	No – I have always though that it was free to access and there was no indication to	Via the gate	No – there has been a 'goal post' which seemed to	✓	PC	No	

	the contrary at any time		encourage than deter participation				
49	No	From Tyning Road	No	✓	Local Council	Don't know	
50	No	No barrier – effectively an open public space	No	✓	Assumed to be Council owned as public open space. Nothing would indicate otherwise	No	
51	No	On foot to open common land	No	✓	Winsley PC or Wiltshire Council	Yes – Youth football	
52	No	Via Northfield	No	No	PC	Yes – Local Cubs	
53	No	Open access	No	✓	PC	No	
54	No	Via Northfield or the Bypass	No	✓	Winsley PC	Don't know	
55	No	From Northfield cul-de-sac	No	✓	Winsley Village	No	
56	No	Via footpath	No	✓	PC	Yes – Cub Scouts, Adult exercise/personal training	Photograph attached to UEF
57	No	Open access from Northfield	No	✓	Assumed PC owned the land since they undertook necessary maintenance, grass cutting etc.	Yes – Cub Scouts use the land for their activities	
58	No	Walking down Northfield, Winsley	No	✓	The Council	Don't know	
59	No	By bicycle or on foot	Don't know	✓	I presumed that the PC owned and managed the area	Don't know	Additional statement with UEF
60	No	At end of Northfield	No	Don't know	Council	Don't know	

61	No – It was clear to everyone it was free to use as a public play area and this was never challenged or questioned to my knowledge	Open access land – can just walk on, no fence	No	No	I didn't know, but it was maintained as a play area and I would have assumed it was owned by the parish of county council	No	
62	No	Through our garden gate	No	✓	PC	Yes – Scouts/Guides, Personal Trainer	
63	No	Public Right of Way (Road/Access Path)	No	✓	Local Council	Don't know	
64	No	Its an open space – easy to access. Short distance from our home	No	✓	The PC for various reasons – eg. Grass cutting costs on PC meeting notes	Yes – At present a personal trainer used the land with clients.	
65	Yes – PC 4 yrs ago I requested that a PC meeting raise the idea of planting a community orchard and putting in an outdoor table tennis table (declined)	Walk in off street – no fence	No	✓	PC – they maintain the grounds maintenance do a great job	Yes – A personal Trainer (Luke) and Cub scouts	Photograph included with UEF – Birthday party
66	No	Via the open land entrance on foot	No	✓	Council owned	Don't know	
67	No	Walking	No	✓	WC	No	
68	No	I walk past it quite often	No	✓	Not known	No	I do not use it

69	No	Out of back garden gate, onto path and walk straight onto field (Bypass used to circle back down Northfield Road and the out of Tynning Estate) (very quiet!)	No	✓	Local Council	Yes – Several groups over the years, usually playing football in small teams	
70	No	Just walked on to it	No	✓	Assumed the PC as we took it that it was land left as green space as a condition of planning for the development of Tynning Park Estate in the early 1960 like the playing fields behind White Horse Road.	Yes – General residents of Winsley	
71	No	Walking, jogging, cycling	No	✓	Local (Winsley community) Government (Council)	Don't know	
72	No	From the Northfield cul-de-sac off Tynning Road	Left blank	✓	I assumed parish as they replaced the old failing goal post when local children requested a new one	Yes – I used land with village Cub Scout group to practise putting up tents and wide games	Photographs included with UEF – Use of land
73	No – It is public access land	Unfenced land – just walk on from the public footpath	No	✓	Winsley PC	Yes – Regularly used by keep fit group, occasionally by Cubs/Scouts	

74	No	Walk	No	✓	PC	Yes – Personal trainers use area, maybe Scouts	
75	No permission seemed necessary	Access open to public on side of land adjoining Northfield Rd	No	✓	Local Council, as communal recreation area	No	
76	No	From the end of Northfield Road	No	✓	Company that built Tynings Estate	Yes – personal trainer	
77	No – we thought it belonged to the village!	Walk & Cycle	No	✓	The Council / Village PC	No	
78	No	Walked	No	✓	Winsley PC because they have maintained all these years	Yes – Cubs used to and village school used it on regular basis (when permitted)	
79	No	Through the local housing estate	No	✓	Local Council	Yes – Keep Fit classes	
80	No	On foot via Northfield	No	✓	Community Land	Don't know	
81	No	Via Northfield street access	No	✓	Winsley PC	Don't know	
82	No	From Northfield Road	No	✓	PC	Yes - Cubs	
83	No	By foot or bicycle	No	✓	Winsley PC / WCC	No	
84	Yes – as a young member of Winsley PC I was aware the dumping space was unlikely to be needed for some years for a	Walk on directly from Northfield pavement	No – I am aware the land has been use throughout, as agreed,	✓	Probably WCC	No	Winsley Parish Councillor 1970 to 2011

	proposed Relief or Distributor Road. We enquired of WCC whether it could be used as an informal play area managed by the PC. I attended a meeting with the county Solicitor At County Hall, seeking consent for the vacant land to be used for informal casual play, managed by the PC, unless and until needed for part of a Relief and Distributor Road. Letters were received by the PC confirming that arrangement.		without challenge. The road was eventually constructed on a different line, finally after a Local Public Inquiry in 1995 and opened in 1997. I remained a member of WPC continuously from 1970 – 2011.				
85	No	Walked / cycled in- Land open, no fences or gates or anything	No	Don't know	Don't know – Council?	Don't know	
86	No	Walk on walk off	No	✓	Village	Don't know – Mainly used to my knowledge by local kids as with mine	
87	No	There are no barriers to the	No	✓	I thought it was owned by Winsley PC	Yes – I am aware that over the years other parents and children	

		land so we just walked onto it				have used the land on a continuous basis	
88	No	On foot	No	✓	I believed it was a village asset	No	
89	No – wasn't ever any reason to – it was open access from the road with no restriction or signage. No one ever spoke to me or my friends about using the land. When we built the bonfire in the run up to Nov. 5 th there were no comments or attempts to prevent us. Lots of families attended, fireworks were let off, potatoes and sausages cooked.	Before bypass, (the road (now bypass) connected straight into Northfields. There was simply a kerb, no fences or gates restricting access or use.	No – In all the time I used the land (and whenever I have seen it since – my mother lives in the village and used the land on bonfire night(s) with me, my father and sister), I never saw any attempt in any way to restrict my use of the land or anyone else's.	No	I always thought it is council/village. No one ever restricted use, prevented bonfire building, play etc. I thought it was originally for the bypass, hence it was council owned.	Don't know	
90	No	On foot	No	✓	WC	Yes – Local CUB group, personal training etc.	
91	No	From footpath / highway	No	✓	Local Council since they appear to have maintained the space	No	Not used the land

					with grass cutting. Nobody else seems to have had any other interest.		
92	No	From the end of Northfield road, or through the gate on the B3108	No	✓	Winsley PC because I understood the same person who maintained Northfield playing field was maintaining other PC owned areas in the village	Yes – personal trainer, Cubs/Beavers	
93	No	From Northfield	No	✓	The same group which owned the childrens park in Winsley	No	
94	No	Walked	No	✓	I assumed it was the Council as they maintained it	Don't know	
95	No	Northfield	Don't know	✓	Assumed estate developers	Don't know	
96	No	Walk, cycle	No	✓	The village	Left blank	
97	No	A gate from our garden	No	✓	Parish Council as they maintained the land	Yes – Cubs every Thursday in the summer months	
98	No – we didn't need permission, it was spare land that the Council just kept tidy	It was at the side of our garden – a gate was already there	No	✓	No idea – just understood that it was spare land left after building the Tynning Estate	No – Children from the Tynning Estate with parents – Childminders children – but nothing organised	
99	No – It has always been open to the public with no signs saying otherwise.	Via Northfield	No	✓	Local Council	Don't know	

	Have never been asked or stopped from using the land.						
100	No	Pedestrian access to open land	No	✓	Parish or Wiltshire Council	No	
101	No	We walk or cycle. It is in the village close to us	No	✓	I thought it was owned by the village or Council, i.e. a community asset	Yes – Other children	
102	No	Through the open entrance	No	✓	Winsley Parish	Don't know	
103	No	Through Northfields and from the bypass in later years	No	✓	CC or PC as the upkeep was carried out by them	Don't know	
104	Yes – contacted PC for possible use for under 5s football training / Bradford Town Youth Club). NB. Haven't sought permission for my children to go and play there with friends.	Walk through Northfield or via gate on bypass	No	✓	WC / PC	Don't know	
105	No	From a gate at the bottom of our garden	No	✓	Winsley Parish	Yes – A visiting school used it and now cubs have used it	Additional letter attached to UEF
106	No	Via Northfield	No	✓	I assumed the PC as the grass has always been cut	No	
107	No	Walked along bypass and in that way	No	✓	PC	No	

108	No	i) From bypass ii) Via Tynning Road & Northfield	No	✓	Local People – Winsely PC	Yes – Local children & Adults	
109	No	Always open space sometimes swings were on	No	✓	Thought it was the Council in Winsley	No	
110	No	Walked there	No	✓	PC	No	
111	No – assumed it was the Winsley residents right to use	By walking down Northfield from Tynning Road	No	✓	Assumed it was owned by the Council similar to the playground by the school, especially as the field has been maintained by them	No - Only aware of residents in Winsley using it as their play area	
112	No	Walking	No	✓	The Council	Don't know	
113	No	Walking	No	✓	The Community	Don't know	
114	No	Northfield cul-de-sac	No	✓	Council owned	Yes – I've seen personal trainers using the land	
115	No	Walking from Northfield or from the footpath off Bradford Road	No	✓	Parish / Local Council	No	
116	No	Northfield or bypass path	Don't know	✓	Thought owned by Council	Don't know	
117	No	Yes, use the path to get to the road	No	Don't know	PC	Yes – I see many kids using the land to play football and other games	
118	No	We walk there from our house as it is at the	No	✓	PC as we saw them regularly maintain it, i.e. cutting grass, installing	Yes – Scout/Beaver Group, local children practising goal scoring,	

		end of our street			goals and benches. We had planned to submit a request to use the land for a party as mentioned above (for Northfield residents)	local personal trainers and their clients	
119	No	From Northfield or B3108 road entrance gate depending on what activities I am doing that day	No	✓	Winsley PC – as the grass was always cut, new goal posts erected and patio slabs laid. Land has always been well maintained since I've been using it.	No	
120	No	The land is over the road and is unfenced, so walked to it	No	✓	PC	Yes – the Scout Group – 1 st Winsely	
121	No	Walking from Northfield Road	No	✓	PC	No	
122	No	Walking from no. [redacted] Northfield to the hedge line of no. [redacted] Northfield and then straight on to the play area – there has never been a fence or notice to stop access.	No – Never in my 46 years of living at Northfield	✓	PC – on the assumption that the Developer of Tynning Park had moved on in the early 1970's and could not get planning permission from WC to complete the overall development	Don't know	Unfortunately no photo evidence of land use available
123	No	Open access from road / path	No	✓	PC or CC	Don't know	

124	No – My understanding is that this was not necessary as I believed the parish owned the land for community use	Via Northfield cul-de-sac	No	✓	Winsley PC – I understood this land was for community use as part of the agreed planning from the Robinson Estate (Tying Park) when it was agreed (S.106 agreement)	Don't know	
Key	No = 119 Yes = 3 Don't Know = 2	Northfield = 40 Bypass = 1 Bypass and Northfield = 15 Garden gate = 4 Unfenced/open land = 24	Yes = 1 No = 117 Don't know = 5 Left Blank = 1	Yes = 117 No = 4 Don't know = 3	PC = 49 WC / WCC = 5 PC or WC/WCC = 11 Local Council = 9 Developer (Robinsons) = 6 Estate Developers or Council = 1 Village = 5 Local Residents / WC = 2 Community/Village Asset/Land = 3 Community = 1 Village = 5 Don't know = 5 Local Farmer = 1 Council = 13 Not known = 4 Public Ownership = 2 Council / Village/Community asset = 1 Common Land = 1 Council / Village = 1	No = 39 Don't know = 49 Left Blank = 2 Yes = 34: Cubs / Scouts / Guides / Brownies / Beavers = 20 Group - Keep Fit / Exercise / Personal trainer = 15 Football Club = 2 Village School = 1 Visiting School = 1 Winsley residents / children = 9	

					Local People = 1 Private for houses around it = 1 Parish = 2 No reply = 1 PC / Council maintained the land = 22		
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Commons Act 2006 – Sections 15(1) and (2)

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

Appendix 14 – Witness Evidence of Maintenance by Parish Council

Witness	Date of Correspondence	Evidence
P Bennett	26/02/2021	<i>During my time as Chair of Winsley Parish Council 2011 – 2016) the Council paid for regular maintenance of the area as an amenity for local residents. The Council was continuing a long-standing practice and as such accepted responsibility for the area on behalf of the residents of the Parish. It had always been assumed to be a local resource and the Council willingly undertook its upkeep.”</i>
B Sheff	Correspondence undated with Application Exhibit G	<i>I was Clerk for Winsley Parish Council between 2008 and 2011. During this time we hired a contractor to regularly cut the grass and generally maintain the land. The land was used during this period as a playing field for the residents of Winsley.</i>
K Sparrowhawk	06/07/2020	<i>To Winsley Parish Council: I am writing to request that the football goalpost that already exists at the end on Northfields should be replaced and if at all possible that another goal should be erected at the opposite end of the field please...We feel very fortunate to have had this wonderful area to play in, and we are very grateful for your ongoing care and maintenance of it...</i>
D Mandeville-Shaw	27/02/2021	<i>I was not aware that the field was in private ownership, believing that it was held in trust for community usage. As a long-time serving Clerk to the Parish Council from 2000 to 2005 and later as an elected councillor and subsequently Chairman of the Council, I was aware that the field was always in use as a community asset for the use of children and youths for informal games. The Parish Council was asked to consider adapting the field for usage as a skateboard park or a BMX tack and observations and objections were addressed to the Council from residents, but never to my knowledge from anyone claiming ownership. I am no longer a serving member of the Parish Council but I am aware that the maintenance of the field and enhancement with seating and new goalposts has been agreed and funded by the Parish Council to the delight and approval of village youth and local residents too.</i>
B Hughes	27/02/2021	<i>(Parish Clerk until 2008) I recall that in that role I sought tenders for grass cutting which specifically would have included a) the Northfield play area and b) the grassed/planted area at the end of Northfield.</i>

		<i>In more general terms having lived here since 1994, I can confirm that the Northfield play area has always been available for recreational use and I have seen youngsters playing there and therefore I regard it as public space.</i>
M Denbury	23/03/2021	<i>As this land has been maintained by Wiltshire County Council and Winsley Parish Council we were very surprised to learn that it was not owned by Winsley Parish Council and could be lost.” Provides correspondence dated 23rd July 1983 ref local objections to the proposed Route C for the bypass, one of the reasons being “The childrens’ playing field at the north end of Northfield (one of only two in the village) would be lost...The route does considerable environmental damage to the village, coming much too close to several houses and taking away one of only two playing fields”.</i>
R Davies	18/03/2021	<i>Certainly, there was no sign asserting continued ownership by the original developers, it having been in practice a community facility for getting on for 40 or so years and indeed it having been maintained by the parish council throughout that time.</i>
J and C Baker	21/12/2021	<i>NPF has been constantly maintained by the council with the grass cut regularly.</i>
John Barnes	08/12/2021	<i>The only interest ever shown in this land has been by residents and the local Parish Council, the latter having maintained it by grass cutting and putting in goal posts.</i>
Clive Bolshaw	30/11/2021	<i>...it did not occur to local residents that that the playing field, which has been well maintained by the parish council over all the years of its existence (and which is in a Green Belt!) was not under the formal control of the parish council.</i>
K and S Cole	29/12/2021	<i>The Parish Council has cut the grass and maintained the area to a high standard. Last year saw the provision of replacement goal posts, which made the facility even more attractive to young people...</i>
G and J Connor	17/12/2021	<i>It was good to see that the Parish Council took the steps to replace the Goal Posts and were in the process of putting in some seats...We found it rather strange that the land was not actually owned by the PC and they have maintained it ever since we lived here.</i>
D and M Cottrell	02/12/2021	<i>It has always been understood by Winsley residents that this was an area intended for their use as part of the parish with the Parish Council maintaining the grounds.</i>
R & S Davies	14/02/2022	<i>I was on the Parish Council until the expiry of my second term at the time of the last election cycle...Like everyone</i>

		<i>here I was amazed to find that it was not officially designated as an area for use by the public as of right but was still owned by the original developer of the Tynning Road Estate and liable to be sold and public access withdrawn at any time.</i>
D Deal	13/02/2022	<i>I know that at some time, probably in the late 1980's, there was a plan to erect a skate park on the land although it never went ahead.</i>
D, J, B and E Forbes	01/12/2021	<i>Quite recently the Winsley Parish Council invested good money into goal posts for the field (to replace the dilapidated one) and they have helped maintain its upkeep for many years...it seems clear that it came as a bit of a surprise to many when the land was put up for sale. At the least it was confusing for most residents given the amount of community use over a long period of time.</i>
T Hogan and Family	04/12/2021	<i>...we moved here in 1999...During this time, the field, to the best of my knowledge, has been maintained by the Parish Council (Grass cutting, goal repairs, pest control etc).</i>
B & R Hughes	31/12/2021	<i>...the Parish Council has paid for contractors to mow the grass many times a year.</i>
S J Hughes	11/11/2021	<i>The Northfield field has been used by Winsley residents for play and recreation for over 60 years. It has been maintained for this purpose by Winsley Parish Council all this time. Football goals are installed on the field and have been in place for many, many years (for the 14 years I have lived here and I believe for many years before that) and have been recently replaced by the parish due to the demand of local children using the field.</i>
Cllr J Kidney, Wiltshire Councillor for Winsley and Westwood	29/12/2021	<i>Winsley Parish Council has tended to the playing years [sic] for many years, keeping the grass cut so young people could play sport. A goalpost was erected sometime in the 1970's, and a couple of years ago some children in the village wrote to the Parish Council asking if the old rusting post could be replaced with new goalposts. In response, the Parish Council invested in a new set of goalposts for the playing field. No-one apart from the local community and the Parish Council has shown any interest in the land for decades.</i>
K Ladner	03/12/2021	<i>The local (parish) council has maintained this land for decades and has recently invested significant sums to renew the goal posts and install seating.</i>
T Lerwill	29/11/2021	<i>My family have been using the above playing field for lawful sport and recreation since we moved into the village in 2017. I had always thought it was already a public area, with goal posts installed and the grass being maintained.</i>

C & G Pearce	01/12/2021	<i>It has always been kept in a very tidy condition, now it is getting overgrown and neglected.</i>
D Rickard	30/12/2021	<i>Recently the Parish Council installed two new football goals with nets on the ground and were hoping to put a bench there as well!</i>
J Schweizer	06/12/2021	<i>It has been regularly maintained by the Parish Council during this time.</i>
D Schweizer	Correspondence undated with Application Exhibit G	<i>(Moved to Winsley March 1979) The Parish Council managed the area on a day to day basis, who from quite early on, had erected a single set of Goal posts. It is my recollection that the grass was always maintained by the District Council, and that the Parish Council was not invoiced for this work, it may have been included in the charges for cutting grass on the White Horse Road Recreation Area. However, it is my understanding that the grass was part of the District Council's Planning Consent agreement with the County Council to maintain all grass adjacent to the Public Highways on the Tynning Road estate. I assume that this commitment was transferred to the new Unitary Authority.</i>
R Smith	27/02/2021	<i>The original planning application for the Tynning estate, including Northfield is dated 13/03/1964 application number 120. The planning includes an allocation of recreational spaces, which the land at Northfield is part of. The Parish must have an agreement to use this land, as we have maintained it well over the years frequently replacing the play equipment.</i>
J Strike	08/11/2021	<i>I spearheaded the initial fundraiser to purchase the land in March and managed to raise over £17,000 in less than 9 days with the rest of the community, which is testament to its importance to local people.</i>
B Wilson	19/12/2021	<i>It was left as a facility for the village when the new estate was built and should be left as such.</i>
S Winter- Alsop	02/12/2021	<i>The whole community has used this part of Northfield as a playing field and the parish council has even erected a football goal so children in the village can continue to enjoy the land as my friends and I have done so. I believe the grass has been maintained by the community and the parish council.</i>
H P Jones	12/05/2021	<i>Only a short while ago, it seems, there was mention made in the Parish Council meeting minutes of the possibility of a seat or seats being put up in the area now under discussion, which was, I thought, an admirable plan. Then only a month or so later came the notice of the sale of the plot of land between the playing field and the by-pass and the</i>

		<i>impossibility of that piece of land being afforded by the Parish Council.</i>
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Commons Act 2006 – Sections 15(1) and (2)

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

Appendix 15 – Witness Evidence – Lawful Sports and Pastimes

Activity	Carried out (User Evidence Forms) (Written Representations)	Seen
Football	72 13	115 4
Cricket	17 1	56
Rugby	6 2	27
Dog Walking	17 1	82 2
Bicycle Riding	21 1	59
Playing	35 7	111 2
Rounders	4	29
Drawing & Painting		7
Team Games/ Team Work	1	40
Community Events		13
Bird Watching	2	10
Picnicking	26 5	69 1
Kite Flying	1	23
Walking	23	75 2
Family Celebrations	4	27
Ball Play / Games	22 3	4
Congregation point / socialising	13 7	2 1
Go karting (makeshift track)	3	3
BMX stunts	1	
Using original facilities	1	
Childrens games / activities	7	1
Cubs / Scouts	4	1
Dog training	2	1
Exercise / personal training	10 2	7 5
Athletics / running	6	5
Rehab from injury	2	
Running around / chase	13	1
Races	1	
Picking dandelions for rabbits		1
Frisbee	7 1	2 1
Hockey practice		1

Tennis	2	4
Fitness	2	1
Swings	1	
Informal recreation	2 2	1
Keep fit / Classes	1	4
Sunbathing		1
BBQ	1	
Sledging	2	
Snowman building	2	
Nature activities	2 1	1
Parties	2 1	1
Exercising horse / horse riding	1	1
Dressing up parades		1
Lockdown	3	
Obstacle courses	2	
Sport	4 4	1
Exploring	1	
Bonfire nights	1	
Access to village shop / bus stop / pub/ walks etc	3	
Flying drones		1
All sorts	1	
Martial arts		1 1
Easter egg hunt		1
Camping		1
Yoga / Meditation		1
Boxing practice		1
Mowing the grass		1
Hide and seek	1	
Playing field for residents of Winsley		2
Staff and Children Winsley Acorns Pre-School	2	1
Snack and a rest on sunny days	1	
Village activities		1
Outside time	1	
Sit and relax	1	

Witness Evidence - Lawful Sports and Pastimes

Witness	Date of Correspondence	Evidence
Julian Baddeley	Undated correspondence with user evidence form – Application Exhibit J	<i>I moved to Winsley in 1998 when I was 9 years old...For 9 years until I left home I often walked to Northfields playing field to play football or find friends. I was allowed to go there alone because I did not have to cross any major roads. It was part of village life for our age group of children and was an amenity that I have fond memories of...It was great playing football in a casual way and for those years I did not watch television after school. It was a social hub. I can name many people who went there during those years.</i>
B & J Treble	Undated correspondence with user evidence form – Application Exhibit J	<i>We have seen the Northfield play area in use since we moved in in 1979 to the present day. Our son played with balls there with us in the 1980's. In about 1992 our daughter was playing up there with our son and his friends and she got hit on the head with a cricket bat...Our children and their friends would frequently have used it to play ball games including rugby, football and cricket as well as for kite flying and throwing a frisbee from 1983 to about 2000. The boys also built a bike jump there, according to my son...</i>
M Halliday (Winsley Acorns Preschool)	Undated correspondence - Application Exhibit O	<i>Use 2013 – Present (7 years) We have been using the area at Northfield for over 7 years to support children who attend the preschool and live in the village...We have used this area to develop the children's physical skills, such as football and team work...We also use this space for picnics, exploring nature, bug hunts and it is a lovely area to walk to and spend time in a green space.</i>
H Sutherland	01/03/2021	<i>I have used Northfield green space for many years with my four boys. They play football there most weekends and have had some lovely picnics with friends when they were small. It's a safe space that my now older children can walk to and meet friends for fresh air and exercise. As a preschool teacher in the village, I have also used the space with our smallest members of the community.</i>
P Walker	Undated correspondence - Application Exhibit G	<i>As a previous resident of the Winsley Tynings estate both myself and my family have utilised the valuable Green Space at Northfields for recreational use. Having now moved away from Winsley I personally still use the area for delivering personal training and activity sessions for local residents. In my time using the space, which has been on daily basis, I regularly see other people young and old alike utilising the space for play, sport or just walking through.</i>
K Sparrowhawk	06/07/2020	<i>Request for new goalposts Application Exhibit E – My family have used the pitch almost every day during lockdown (often</i>

		<p><i>more than once a day!)</i>...As the mother of two energetic football, cricket and rugby obsessed boys it has been great to have such a handy open space to play in.</p> <p>Includes childrens letters:</p> <ul style="list-style-type: none"> • <i>We have been playing at the field at the end of Northfields and we would be very happy if you would fix the goal please</i> • <i>We love playing at Northfields...</i>
Petition	28/06/2020	<p><i>Request for new football posts on land at end of Northfield Winsley ...This football goal is well used by local families...</i> (6 names added).</p>
M, T, K and D Bartholomew	09/11/2021	<p><i>I am sure you are aware of how it has been used for the last 6 decades – by young and old, clubs such as cubs, scouts and guides, for football, kite flying, cricket, walking exercise classes and picnics. We back onto the field and have seen how much it has been enjoyed by the community.</i></p>
M and T Bartholomew	Undated correspondence - Application Exhibit G	<p><i>Since myself and my family moved to Winsley in 2018, we have seen from our window the field at the end of Northfields used daily by young families picknicking, by older children trampolining, playing hacky sack, young toddlers learning to walk, kites flown, the ages have been months old through to adults doing training sessions. The land has now got 2 football posts, they amaze us as we regular [sic] see children playing football for 4 hours at a go.</i></p> <p><i>We have 2 young children who love to make use of the space and enjoy meeting other children of all ages.</i></p>
S, P,C & T Ellis	28/02/2021	<p><i>We have been using the playing field at the end of Northfield Road for the last 12 years to play football, play frisbee, hang out with friends. Our 10 year old son – uses it weekly to catch up and play football with his school friends who live in and around winsley. We often see other families using this valuable green space...</i></p>
P & S Hellyer	Undated correspondence - Application Exhibit G	<p><i>When we moved to this address the previous owner (of 30 years residency) told us that the park had always been set aside as a place for the children of the village to use and was maintained by the Parish Council. We have found this to be very much the case. Children from little toddlers up to teenager and parents alike frequently use the area for ball games and a safe play area.</i></p>
Judith Cable	Undated correspondence – Application Exhibit G	<p>Since January 2016</p> <p><i>We have used the field 2 or 3 times a week since then. Firstly for taking our young grandchildren for a walk, or nature walk looking at leaves, daisies etc. Then playing hide and seek. At age 4 and 6 it's fun to hide against a hedge or behind a small tree. Then in the last year or two we have</i></p>

		<p><i>played football...We have seen several families enjoying kicking a ball around on the field.</i></p> <p><i>We have used the field sometimes during lockdown for our daily walk, when we didn't have the energy for a longer walk. Also to take our daughters dog for exercise as she is getting older and not able to walk too far.</i></p> <p><i>On my grandsons 8th birthday recently we met on the field, socially distanced, to give presents and sing Happy Birthday. With school closed the field has been invaluable for children to have a quick run before and after home schooling.</i></p> <p><i>This morning I saw a couple doing keep fit exercises and jogging around the field. They are there regularly.</i></p>
Matt (Northfield resident)	Undated correspondence - Application Exhibit G	<p><i>I have lived in Winsley for over 3 years. Ever since I have lived here my family have regularly used the land to play on, even more so following the national lockdown. The land is regularly used by families all year round.</i></p>
Jennifer Cable	Undated correspondence - Application Exhibit G	<p><i>We moved to Winsley in 2012 and are regular users of the field at the end of Northfield. We use it for football and other recreational games as a family.</i></p>
B Duncombe	Undated correspondence - Application Exhibit G	<p>Since moving to Winsley 2010</p> <p><i>As a family we are keen to be outdoors and have enjoyed Northfield as a great area to play football and other ball games with our children...We are not alone – there are many families and young people who use the site. It is a particularly useful place for young teens to develop their independence safely by being able to meet and play ball games/frisbee without an adult being present...</i></p>
B Sheff	Undated correspondence - Application Exhibit G	<p><i>...my own children, even though we live a number of streets away, would go over to the field to play with friends...</i></p>
R Rowe	Undated correspondence - Application Exhibit G	<p><i>I consulted with my daughter on this question of usage and her and her friends played there for many years...Living opposite the field it is obviously still well used. The main usage was football for boys, hence the ancient rusty goal posts until the Parish council replaced them recently...It is still well used for that purpose and yesterday a session was being held by an enthusiastic dad with a few boys, they had brought proper training cones and it was an organised session...During lockdown it has been used on at least two mornings a week for personal training exercise. I would say that it is used by different people or groups nearly every day.</i></p>
K & D Kemp	Undated correspondence -	<p><i>As a child I remember going with friends to this area, in the 1970's, as it was fun to be able to run around free, I have</i></p>

	Application Exhibit G	<p><i>watched this area of space being well utilised by the local children and adults.</i></p> <p><i>I have seen football being played and even more now that the Council have put up two goal posts, games are more common.</i></p> <p><i>Gathering of teenage children – just chilling out.</i></p> <p><i>There have been people using the area for hurdle practice and some one has been using it as a fitness ground.</i></p> <p><i>Some children have camped out.</i></p> <p><i>I have seen someone mediating [sic] there and then a couple of chaps doing martial arts.</i></p> <p><i>People having picnics.</i></p> <p><i>Easter Egg Hunts.</i></p> <p><i>Walking of dogs.</i></p> <p><i>Dog training.</i></p> <p><i>People reading.</i></p> <p><i>Playing with Frisbees.</i></p> <p><i>Playing tennis.</i></p>
D Schweizer	Undated correspondence - Application Exhibit G	<p><i>We moved into Winsley 1979...when it was already being used by local young people for ball games etc.</i></p>
R Smith	27/02/2021	<p><i>The land has been used as a playing field, greenspace by the village for at least fifty years. I have lived in the village for forty three years and can bear witness to its use by villagers for that amount of time.</i></p>
M Legh-Smith	Undated correspondence - Application Exhibit G	<p><i>Facilities Manager Bradford Town Youth Football Club – Children of various ages regularly play football...Now the field has been provided with new goals, my son along with his friends plan to use this after school and during weekends.</i></p>
Anonymous (GP locally resident of Northfield since March 2018)	28/02/2021	<p><i>During this time, myself, my partner and my 3 children have used this land on a regular basis.</i></p> <p><i>My children play football, rugby and cricket on the land. We also exercise our dog on the land. Prior to COVID lockdown in March 2020 we used the land at least 2-3 times. Since March 2020 when the weather has permitted we have used the amenity land on a daily basis for exercise.</i></p> <p><i>Since 2017 I have seen the following use of the land on a regular basis, a local martial arts teacher leading classes, the children and staff of Winsley Acorns Pre School walk to the land to use it, a local personal trainer, children come to practice football skills where parents have driven them to use the land, children from the village walking and cycling to use the land and local people exercising their dogs.</i></p> <p><i>Our house overlooks the land and we have therefore be [sic] able to see how regularly the land has been used by the community. Prior to March 2020 the land would be used by</i></p>

		<i>approximately 3 different groups of people a day. Since March 2020 the land can be used by up to 6-7 groups of different people every day.</i>
I Sparrowhawk	26/02/2021	<i>Since moving to the village in September 2015 our family of four have made regular use of the playing field at the end of Northfields for everything from ball games to picnics with friends and family. Having an open and accessible space for our 7 and 10 year old boys to run around has invaluable [sic], especially during the covid-19 pandemic. They wrote to the Parish Council last year requesting that the old and unstable goal post be replaced and were delighted when two new posts were installed. They now use the area on an almost daily basis, frequently more than once. Whilst football is the game of choice they will spend hours just throwing, kicking and catching a rugby or tennis ball. It's also here where my eldest learnt to pad up and start facing a hard cricket ball and there are any number of other games they play here. Includes photographs of childrens play.</i>
W Fortt	01/03/2021	<i>For as long as I can remember it has been a place for recreation and enjoyment. I moved from Bath to Winsley in 1977...My Mother...lived here before me so we go back a long way as members of this community.</i>
M Cottrell	Undated correspondence - Application Exhibit G	<i>My children in the 1980's – 1999 were always playing with their friends on the spare ground up in Northfield as the playground at the end of Whitehorse Rd was always for the younger end to play in.</i>
M Denbury	23/03/2021	<i>We have lived at ■ Tynning Road since August 1967. At that time the Tynning Park Estate was just starting construction. This phase saw a large number of young couples arrive and subsequently a very lively mix of children growing up together. Our children made good use of that piece of land as a play area from about 1975 to 1985. Children were playing there long after ours stopped. The land was used for all sorts of games such as football and makeshift cycle/go cart track. Families came and went and the land continued in use as a play area. Goal posts were installed, and new goal posts again recently.</i>
R Davies	18/03/2021	<i>...lived here since September 1997 (Tynning Road). This was shortly after the completion of the by-pass; indeed, when we arrived, we were getting circulars inviting us to lodge claims for the disruption it had caused. As our daughter was at pre-school age, we were delighted we could use it to kick a football around or play with a fling-a-ring. Other children were often seen there using it for the same reasons.</i>

C Bolshaw	30/11/2021	<i>We have lived in Northfield for the past 26 years and in all that time we have seen the Northfield playing field constantly used by local children (including our children and their friends) and their parents for all manner of games and sports (eg football, cricket, tennis, frisbee etc etc).</i>
R Burvill	31/01/2022	<i>Northfield has been used by a large number of people for football, exercise, picnics and birthday parties amongst other pastimes, by our household for 12 years but the neighbourhood for more than 50 years.</i>
R Cawte	10/02/2022	<i>My family has used the field at Northfield Winsley for many years for recreation – in particular my children have used it for football, ball games, etc with friends. My son had an outdoor birthday party on the field with football and a picnic with friends. We have lived in Winsley since 2005 and used the field on numerous occasions.</i>
K & S Cole	29/12/2021	<i>We lived in Bradford Road until the early nineties and during that time our children regularly used the field to meet with friends for exercise and sport. More recently, we have lived in Saxon Way and witnessed the local Scout group using the field for their outdoor activities, children playing ball games with friends and adults exercising.</i>
G & J Connor	17/12/2021	<i>We have been living at █ Northfield, Winsley since 1990. At that time we had two very young children who used the field, as we obviously did. It was also a nice safe place for them to learn how to ride a bicycle safely and just play in a safe environment. Likewise we have seen many children and families using the field for recreation purposes ever since...we now have 3 Grandchildren who also use (well used to) the field for playing.</i>
R & S Davies	14/02/2022	<i>My wife and I came to live in Winsley in 1997 and for that 24 years the field was open to the public for use as a recreational area and for children to play in. Indeed I would often take my own daughter there when she was young.</i>
Sarah Dodd	05/01/2022	<i>I live in the village with young children. We know how many children (in particular) use that playing field for recreation. Whether it is to play co-ordinated games, or to learn to play a game or simply to let off some steam, the field is used by the community.</i>
D, J, B and E Forbes	01/12/2021	<i>...we have only lived in the area for a short time, 5 years...We have used that space since we moved into the village, many football games, frisbee games, and a snack and a rest on sunny days have been enjoyed by my family and our neighbours in that space.</i>

M.D. Golding	16/12/2021	<i>I have lived in Winsley for many years and have watched children enjoying this facility.</i>
T Hogan & Family	04/12/2021	<i>...we have frequently enjoyed unfettered [sic] access to Northfield playing field for ad hoc recreation purposes with our boys, including sports (kicking footballs, throwing rugby balls etc.) and picnics. In fact, the "playing field" was already in use as a recreation facility when we moved here in 1999.</i>
B & R Hughes	31/12/2021	<i>Having moved here in 1994 we have regularly walked around the area and in previous years played with our daughter and friends when they were young. In the past we have watched the lads having a game of football as we strolled by. We have also seen cricket, catch and Frisbee players. We have also taken the dog to have a sniff round on our way up to Ashley Lane.</i>
S J Hughes	11/11/2021	<i>I have lived in Winsley since 2007 and my family have used this space for sports practice and outdoor play since then...it is not only used by children for play, but is also well used by dog walkers, for exercise and many other purposes.</i>
Beccy Janes	13/02/2022	<i>This space has been used by generations of my family and until the purchase of the land was regularly used with our children. We used this area to enjoy the fresh air and play sports as an alternative to the village play area where there can often be younger children and so sometimes feels a safer option when kicking footballs etc.</i>
Cllr J Kidney, Wiltshire Councillor for Winsley and Westwood	29/12/2021	<i>My own children have played on the space on numerous occasions, and I have had conversations with older residents in the village who have happy memories of the children playing there back in the 1970's and 80's, and more recently the children of those children.</i>
K Ladner	03/12/2021	<i>The area has been used for as long as I can remember, having first moved to Winsley in 1986, for community use. My own sons often used it to play football with their friends.</i>
C & G Pearce	01/12/2021	<i>We moved to ■ Saxon Way, Winsley on 23 March 1990 and we can confirm that before we purchased the house we were told that the area behind us was a play area that had been used for a number of years...the previous owner went out of his way to warn us that balls may appear in the garden from time to time and to illustrate this told us that soon after he had installed his greenhouse a ball came over the hedge and broke a pane of glass – it was his own son that had done it! Relatively few instances have occurred since we have lived here. On the afternoon of 23 March 1990 our two sons along with their Dad went through the gate from the back of our garden</i>

		<p><i>to have a kick around on the play area, a great way to meet other youngsters from the village...</i></p> <p><i>During the almost 31 years that we have lived here we can confirm that we have had families using the play area on a very regular basis. We have had football, rugby (especially during the time of the world cups), cricket, tennis, and running competitions. We have seen young people learning to ride 2-wheel bikes out there and we have seen adults using it for exercise and personal fitness; we have had end-of-school year picnics... Since lock-down just over 12 months ago the play area has been used daily...</i></p>
D & D Rees	05/12/2021	<p><i>Our two daughters both used this site during their early years in Winsley where they attended the local primary school. They used this area for meeting and playing with their many friends for hours on end in what is a safe environment. It provided an environment which had little or no facilities but a somewhere where they could find ways of self-entertainment over many years.</i></p>
T Richards	30/12/2021	<p><i>When our children were still at school, we would often use the Northfield Playing Field as it was the closest, and take a ball there for regular kick-about, particularly in the light summer evenings. There were permanent goalposts there (at this time these were bare tubular construction with no nets). When we had a dog, we would also play games of fetch there, being careful to ensure no fouling that would have caused hazard to other users.</i></p>
D Rickard	30/12/2021	<p><i>We have lived in Tynning Road (opposite the entrance to Northfields) since 1976. Our two children and later four grandchildren have all enjoyed using Northfields playing field since then. We have played football (for years with only one old goal post) cricket, frizbie, making daisy chains or just running around. When they were older, due to locality with no main roads to cross, our children went to play safely on their own or with friends using the old stack of tyres to practise golf.</i></p>
R Rowe	31/12/2021	<p><i>As you can see I live opposite the land in question. I have lived at number ■ since 1987. Throughout that time the field has been used by local children as a playing and meeting space. My own daughter, who is now 44, recalls playing there...</i></p> <p><i>It was always particularly popular with the boys as it had a reasonable goal post for when they played football.</i></p>
J Schweizer	06/12/2021	<p><i>Having lived in Tynning Road Winsley for over 40 years I can confirm that this playing field has been used regularly for all this time by the children of the community for various games and play activities.</i></p>

P Seeley	15/02/2022	<i>My child and many of her friends frequently used to play at the field, playing football and generally spending time outside...</i>
J Strike	08/11/2021	<i>We used it for general exercise, ball games, socialising, and dog walking, and it supplemented the size of the gardens on our estate tremendously... I also coordinated distribution of the questionnaires across the village – again the response was encouraging and hopefully helped illustrate the different ways the land was being used and by whom.</i>
S Thwaite	03/12/2021	<i>For at least 35 years it has been used by all ages of local people. Boys and girls playing football, parents with toddlers have a place they can let their young run about, and runners are seen running round the field for training. I love walking by the field and seeing folks using the green space.</i>
B Treble	04/12/2021	<i>I moved to Tynning Road in April 1979 and it was used by the youngsters there for football and other sports at that time. I went there with my children from 1982 onwards to play ball games and picnics until the children were old enough to go on their own. My son tells me that he played football, cricket, rugby, and frisbee and also flew a kite from 1992 to 2000. They also built a bike jump. I have seen youngsters playing there since 2000 on regularly [sic]. I took my granddaughter there in 2019 to play with a ball.</i>
J Treble	07/12/2021	<i>I moved to the Tying Road estate in 1979 and found that the Northfield space was being used by the local children and had clearly been in use prior to that time. So, I believe that it has been used by families and youngsters for their self organised sports and games for over 50 years. In fact since the estate was built. From 1982, I often went there with my own children to play ball games, like football, rugby and cricket. We also had picnics there and accompanied the children until they were old enough to go on their own...My son regularly played on the space, without adults but with a number of friends after 1992. He played football, cricket and rugby which helped him to develop his skills so that he became a regular member of all the school sports teams. Until he moved on to University in 2000, he found many other uses for the space including playing frisbee, flying his kite and building and using a bike jump. My daughter also used the space for these games as she often used to accompany our son when she was younger. Since 2000 I have continued to see youngsters playing and using the space regularly. And now I have started to take my</i>

		<i>young granddaughter there to play with a ball and have fun and develop her co-ordination.</i>
E Townsend	13/12/2021	<i>We have owned our house since November 2017 and the playing field has been an important resource for us and our children since then. Our 11 and 8 year old boys have used it a huge amount with their friends for playing football and riding their bicycles around amongst other things.</i>
B Wilson	19/12/2021	<i>We have lived in the village since 1983 and both our children spent many hours meeting friends and playing on that playing field.</i>
S Wriges	Undated correspondence (following Form 45 Notice of Application 12 th November 2021)	<i>I for one, have been a resident of Winsley on and off for 50 years...I have picniced there with my Grandchildren and played football and sometimes just sat and relaxed.</i>

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

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

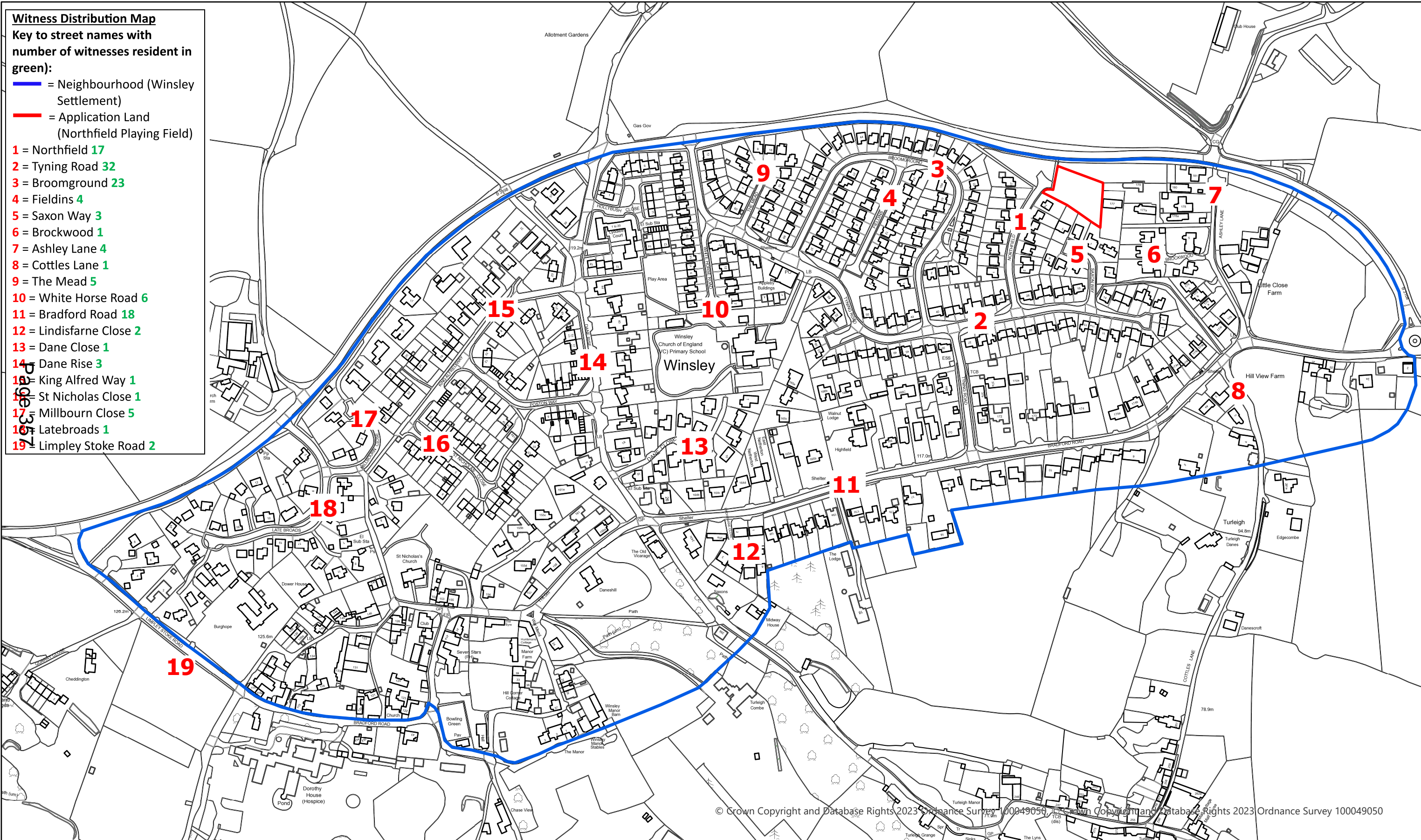
Appendix 16 – Witness Evidence – Fencing of Application Land July 2021

Witness	Date of Correspondence	Evidence
J and C Baker	21/12/2021	<i>It is now fenced off and private property signs have been erected. The grass is overgrown...</i>
J Barnes	23/12/2021	<i>Having purchased the land he then proceeded to erect a fence so preventing the community from using a play area to which there had been unfettered access since the 1970's.</i>
M, T, K and D Bartholomew	09/11/2021	<i>We are very upset that the field at the end of Northfield is now (after 60 years plus of use and maintenance) no longer usable.</i>
S and T Bowles	21/12/2021	<i>We cannot understand why the land in question has been fenced off so it cannot continue to be used as a village amenity. We note that the ownership of this piece of land has changed but the new owners appear to have given themselves a right to fence off the land so it cannot be used.</i>
R Burvill	31/01/2022	<i>The loss of this open space for public access is very sad and my children in particular are incredibly sad to have been blocked from our local greenspace.</i>
K and S Cole	29/21/2021	<i>...the area was fenced off and the public barred from the site.</i>
D, J, B and E Forbes	01/12/2021	<i>...the land came into its own for us in March and April 2020 when that first lockdown arrived and our children were able to play there for their hour a day outdoor time on occasion and lots of times since then.</i>
D and S Gosling	13/12/2021	<i>...it is distressing to see that it has already, under new ownership, been fenced around.</i>
B Janes	13/02/2022	<i>Since the owners erected the fence and stopped access to this land we have truly</i>

		<i>missed using this space, it really was a wonderful asset to our village community.</i>
Cllr J Kidney, Wiltshire Councillor for Winsley and Westwood	29/12/2021	<i>The important role that this space has played for the physical and emotional wellbeing of residents across the generations has perhaps been most marked during the current Covid-19 pandemic. The playing field at Northfield was absolutely vital for residents as a space to take daily exercise, providing essential emotional and mental release for children who were experiencing unprecedented disruption to their education and freedom. To be able to use this space as a right and without question, just as previous generations had done, was more important than ever before.</i>
K Ladner	03/12/2021	<i>It is incredible and outrageous that the current owner has fenced off the land, thereby denying access to the children and council owned equipment...</i>
T Lerwill	29/11/2021	<i>It was upsetting and surprising when it has recently been fenced and the goal posts removed.</i>
D & K Morrell	01/12/2021	<i>It was very disappointing for us to see this wonderful recreational facility being fenced off and to witness the impact this had on so many young people who were prohibited from using it...The loss of the field has been acutely felt by so many young people and it was sad for us to witness groups of youngsters walking up our road, footballs tucked under their arms in the innocent expectation of having a good game with their friends, only to be prevented from doing so by a wire fence. The look of disappointment on their faces as they trudged home was very moving.</i>
C & G Pearce	01/12/2021	<i>We have lived in Winsley since March 1990 and as our home in ■ Saxon Way backs on to the play area we are in a very strong position to know who used the field</i>

		<p><i>and how often. I can assure you that in all the time we have lived here the field has been used regularly for many family activities and sports by the people of Winsley. Up until the time the new owners placed fencing around the land it was used on a daily basis. We have missed hearing the joyful sound of children getting exercise and having fun.</i></p> <p><i>In our view, it is such a shame that suddenly after so many years this area is not available for village use at the moment...the one place the children and families of Winsley could use is no longer available.</i></p>
D Rickard	30/12/2021	<p><i>Now the ground is fenced and locked so can't be enjoyed by anyone at a time when any green space for children and adults to enjoy is beneficial to health and wellbeing.</i></p>
P Seeley	15/02/2022	<p><i>You will be aware that Northfield playing field was purchased by two brothers quite some time ago now, and since the purchase, has been locked in order to restrict public use of the field. This is so sad for many reasons...It is so sad that the space, which used to provide such a valuable place to the village as a whole, is now locked up, vacant and not available for anyone to use.</i></p>
I Sparrowhawk	09/12/2021	<p><i>This being the only green space in the Tynning Estate it would be such a shame to lose it to development, or just inaccessible wasteland as it currently stands.</i></p>
J Strike	08/11/2021	<p><i>Myself, my wife and two children live on Northfield, and have used the land a lot prior to the current owners fencing it off... I'd also like to add I think being able to have the land throughout lockdown was crucial to local's physical and mental health, and in the weeks prior to fencing I saw countless families walk to the land with sporting equipment, only to walk home</i></p>

		<i>moments later, not realising it had been sealed off.</i>
J Treble	07/12/2021	<i>Without any doubt this is a space that has been valuable to a very large number or Winsley youngsters and their families over more than 50 years. It has been in use constantly and regularly throughout this period of time, until it was unnecessarily fenced off by the new owners a few months ago.</i>
S Wriges	Undated correspondence (following Form 45 Notice of Application 12 th November 2021)	<i>I was really saddened and disappointed recently to discover that Northfield Playing field was "For Sale" and furthermore that it was 'sold' and fenced off with a padlock on the gate.</i>



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