

**Extract of the approved minutes of the Southern Area Planning Committee  
Dated 30 April 2015**

**53. b COMMONS ACT 2006 - SECTION 15(1) AND (3) APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN - THE COMMON / BROWNS COPSE FIELD / BLUEBELL WOOD / VILLAGE HALL FIELD THE FIELD, WINTERSLOW**

Public Participation

R V Sheppard spoke in objection to the application.

D E Read spoke in objection to the application.

John Fry spoke in objection to the application.

Tim Crossland spoke in support to the application.

Cllr Mike Taylor spoke in objection to the application on behalf of Winterslow Parish Council.

The Rights of Way Officer presented her report to the Committee which recommended that the Committee accept the Inspector's recommendation and the application by Winterslow Opposed to Over Development (WOOD) under Section 15(3) of the Commons Act 2006 be approved but only to the extent that Browns Copse was registered as a town or village green in its entirety, other than the north-west corner of the Copse was owned by Wiltshire Council.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought as to why Wiltshire Council land had been excluded from the area of land proposed to be registered as a town or village green. The Rights of Way Officer explained that this land was found by the Inspector to be fenced off and no user for twenty years could be shown. The maintenance liability and use of the land was discussed. It was stated that the landowner would remain in ownership and that registration of the land as a town or village green would effectively 'sterilise' the land to any other use. It was clarified that the landowner should seek their own legal advice with regards to liability.

The Local Member, Cllr Christopher Devine, discussed the use and ownership of the land. Cllr Devine discussed the management and public access to the site and mentioned the site is criss-crossed by footpaths and is coppiced every two years by the landowner who also put up sign posts which were taken down

occasionally The use of tax payer's funds and officer time was discussed in relation to the inquiry and the view expressed that the Inspector had 'sat on the fence' when making his recommendation to the Council.. The need for Members to consider the content of the inspector's report was highlighted.

Members discussed public access to the site, the facilities that were locally available and the need to maintain the site in its current state. The right to plough the field as agricultural land was discussed. Local concern was raised, in regards to potential development in the village; it was stated that any change to the land's use would require planning permission. Some Members chose to make moral objections to the landowner potentially losing land should this item be approved. The suitability of the site (a copse) as a village green was debated. The merits of the village green legislation were discussed. The maintenance cost of such a village green was raised, and who would be responsible for the maintenance costs as well as the need to protect the landowner's right over the land.

Members discussed potential reasons for refusal and not accepting the Inspectors recommendation to the Council. The reasons including noting that some of the activities which took place on the field (playing football and other games or flying kites etc) could not have possibly taken place in the Copse and how can a Copse (which also needs regular maintenance in the form of coppicing etc) be used as a village green and received legal advice in regards to deciding to go against the Inspector's recommendation and the need to provide good reasons for doing so. The Chairman stated the need to apply common sense to such an item and that the Committee was in place to do so. The list of potential community activities on the land was discussed further and Members considered their viability within the copse.

**Resolved:**

**To, in principle, refuse the report's recommendation. The item would be brought back to a future committee with reasons for refusal and would be voted on by Members.**