

**APPENDIX 5 – Further comments on the objections from Mr R P Gosnell, 9<sup>th</sup>  
December 2016**

**Comments by Richard Gosnell on objections to Town/Village Green Application 2016/01**

**I refer to the Opinion document written by Gregory Jones, Q.C., acting for Cooper Estates, using his paragraph numbering.**

**1 "When the Application is made.." is the date it was submitted, 12 April 2016. The regulations state that the date of reception of the acceptable Application is the only relevant date even if later revisions are needed. It inevitably took time after that date to address issues on the documents which needed rectifying.**

**"Long delay in notifying the owners..." There is no obligation to provide what would amount to a running commentary on the Application's evolution between April and October 2016. If the Application had been unsuccessful I would have been informed and there would have been no need for Cooper Estates to be informed of anything.**

**2 "The spread of dated documents between 11th and 14th September"... is due to my withdrawal of one of two maps originally submitted, and procuring new J.P. signatures on the front and back of the renamed remaining map. Obviously the date of the simultaneous availability of the J.P. and myself for signing causes delay. The withdrawn map was issued with the Evidence Questionnaires, where there is no stipulation as to a map's provenance, and the map was used by all respondents to indicate the items required in the Questionnaire.**

**3 "Date of Application validity"... Presumably this is 6th October 2016 shown on the Notice of Application, Form 45.**

**4 "Date the land was last used..." I took the date on which the gate became locked as being the date on which the owner indicated that residents' access was not intended. I am not aware of the exact date on which the gate became locked. I took May 2015 as being the start of the 12-month period within which the Application had to be made, so I ensured that it was submitted no later than April 2016. On my entry for section 7 of Form 44, 5th para down, I said use had voluntarily stopped during summer of 2015. I should add that that was true at the date of the Application (April 2016) but since then mowings and a BBQ occurred in summer 2016. A resident was told, around September 2016, by a Cooper Estates representative "Thankyou for keeping it tidy for us". This suggests they knew of our use, and did not think we were trespassing even though access would have to be via broken fence places.**

**6-9 "Trigger/Terminating Events" The Registering Authority made due checks and ascertained that there were no events hindering the Application under this heading.**

**10-11 "Core Strategy". It is arguable that the Core Strategy referred to does not apply to existing developments, rather being aimed at new green field sites adjacent to the types of settlement referred to in 10-11. The site in question is an amenity forming part and parcel of a long-existing residential estate, therefore I suggest it is not a target for development under the Core Strategy provisions.**

**Other points.**

**The Open Spaces and Rights of Way legislation with the "20-year unhindered use as of right" at their heart, have a long history within English law. I suggest none of it is unpicked, reduced, modified or annulled by Core Strategy legislation.**

**Richard Gosnell. 9th December 2016**

