

APPENDIX THREE

CR FORM 30

Official Stamp of registration
authority indicating date of
receipt

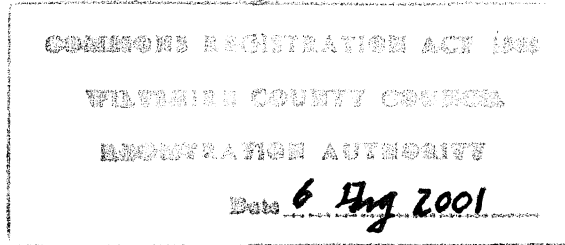
Application No. 2001/12

Register unit No(s)

VG

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*This section for official
use only*



COMMONS REGISTRATION ACT 1965, SECTION 13

APPLICATION FOR THE REGISTRATION OF LAND WHICH BECAME A TOWN OR VILLAGE GREEN AFTER 2nd JANUARY 1970

To: WILTSHIRE COUNTY COUNCIL

Application is hereby made for the registration as a town or village green of the land described below, which became so registrable after 2nd January 1970.

Part 1 Name and address of the Applicant:

Mrs Susan Illsley
31 White Horse Way
Westbury
Wiltshire

Part 2 Name and address of solicitor, if any

Not applicable

Part 3 Particulars of the land to be registered, i.e. the land claimed to have become a town or village green:

Name by which usually known: Penleigh Park.

Locality: Westbury, Wiltshire

Colour on plan herewith: edged green

Part 4 On what date did the land become a town or village green?

On or about 31 July 2000

Part 5 How did the land become a town or village green?

By the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than twenty years.

Part 6 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 have become a town or village green.

Owners of the land:

Persimmon Homes (Wessex) Limited
Persimmon House
Fulford
York YO19 4FE

Part 7 For applications to register substituted land; to be disregarded in other cases.

Not applicable.

Part 8 List of supporting documents sent herewith:

Appendix A. Plan of the Town Green.

Appendix B. Public Notice in *Wiltshire Times* newspaper dated 5 & 12 January 2001

Appendix C. Statements showing a continuing qualifying use for over twenty years and other statements showing a qualifying use.

Part 9 Other facts relating to the application

Penleigh Park Recreation Ground is an open space of some six-and-a-half acres. This application relates to that part shown edged green on the attached plan.

The Recreation Ground became open space shortly after 7 October 1971, when it was acquired by the former Westbury Urban District Council under the powers conferred by the Physical Training and Recreation Act 1937.

The Recreation Ground passed into the ownership of West Wiltshire District Council (WWDC) in or about 1974 as a result of local government re-organization. Its area was then 6.45 acres, and it was numbered 1926 in the Ordnance Survey sheets for Westbury.

Since 31 July 1980, being for more than twenty years, the application land has been used as of right for lawful sports and pastimes by local inhabitants. The land was also used in the same way in earlier years, but this application does not rely on that earlier period.

WWDC has acknowledged that the Recreation Ground is open space by advertising in the *Wiltshire Times* on 5 and 12 January 2001 (Appendix B) its intention to dispose of it, stating in its public notice "This Notice is posted pursuant to S. 123 (2A) Local Government Act 1972". The notice and the notice map were misleading, in that they referred to the intended grant of an option to dispose of land already sold.

In July 1994, WWDC's Leisure and Recreation Committee and its Resources sub-committee had agreed to dispose of approximately half-an-acre of the Recreation Ground, being at the north-west corner adjoining the railway line there.

On 24 July 1998, a member and an officer of WWDC entered into a transfer of some two-and-a-half acres of the Recreation Ground to Persimmon Homes (Wessex) Ltd. Most of the land then sold had never been considered for sale by the Council. The area transferred continued to be used by local inhabitants as of right for lawful sports and pastimes.

Between about September 2000 and about February 2001, Persimmon constructed a road across the land transferred to it, after obtaining planning permission from WWDC to do so.

Supporting statements by users of the application land are attached (Appendix C).

Dated..... August 3 - 2001

Signature..... Susan Illsley

Susan Illsley

STATUTORY DECLARATION IN SUPPORT

I, Susan Illsley, do solemnly and sincerely declare as follows:-

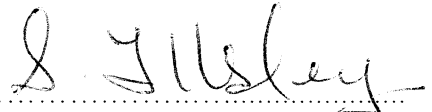
1. I am the person who has signed the foregoing application.
2. I have read the Notes to the application form.
3. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those mentioned in parts 8 and 9 of the application.
4. The plan now produced and shown to me marked "Appendix A" is the plan referred to in parts 3 and 8 of the application.

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 Susan Illsley.

at W U F. C

in the County of Wiltshire



Signature of Declarant

this 3 day of August 2001

Before me

Signature Mike Sutton

Address 19 Farley 2 Close

Westbury Wiltshire

Qualification Constable of the Peace

REMINDER TO OFFICER TAKING DECLARATION

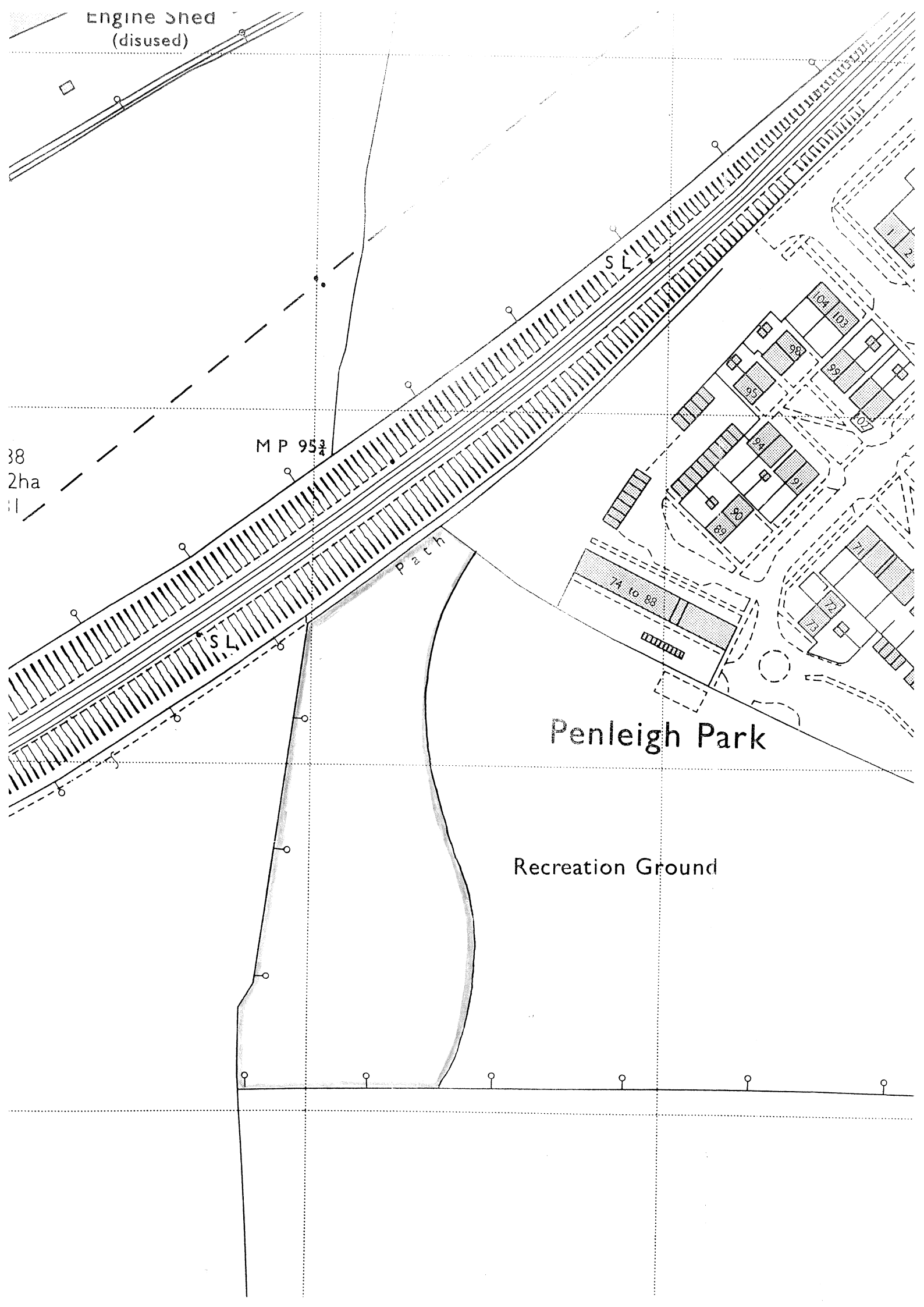
Please initial all alterations and mark any plan as an exhibit

This is the exhibit marked "Appendix A" referred to in the statutory declaration of Susan
Illsley made thisday of August 2001 before me

Mike Sutto
.....
Signature

Susanne of the Peace
.....
Qualification

Engine Shed
(disused)



MP 95 3/4

Path

Penleigh Park

Recreation Ground

38
2ha

74 to 83

104 103

98

95

94

93

88

87

86

85

84

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APPENDIX B

50 ■ FRIDAY, JANUARY 5, 2001

Public Notices



LAND AT PENLEIGH PARK PLAYING FIELDS

The Council is considering granting an option to dispose of land known as Penleigh Park Playing Field to the developers of Westbury Leigh.

The intention is to work with the community, local sports organisations and the developers to achieve a 25 acre development on the western side of the proposed WESTBURY LEIGH, Distributer Road. The money received from the disposal of this land and the adjoining Redlands site belonging to Matravers School will enable a larger sized area to be developed.

This option will oblige the Council to sell the Playing Field to the developers at a future date. The Council will only grant the option if terms and conditions are agreed with the developers for replacement public open space land.

The option will not be exercised (i.e. the land will not be sold) if planning permission is not forthcoming for the development of the new recreation area.

A map showing the precise area of land to be sold and the proposed replacement land is available at the offices of West Wiltshire District Council and Westbury Town Council. Dilton Marsh Parish Council also has a copy of the proposals.

The land over which the Council will grant the option is currently used for recreation. The Council therefore wants your views on whether it should grant this option.

If you would like to make any comment please write to Trevor Savage, Head of Leisure, at the address below before 9 February 2001.

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD.

This Notice is posted pursuant to S.123(2A) Local Government Act 1972.

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