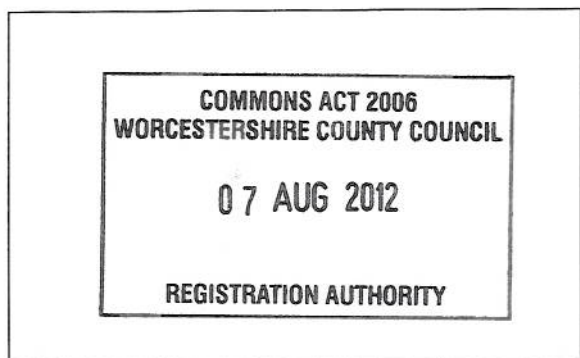


Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:



Application number:

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

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:

- 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. 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.

1. Registration Authority

To the

Worcestershire County Council
County Hall,
Spetchley Road,
Worcester,
WR5 2NP

Application is hereby made for the registration as a town or village green of the land know locally as "Wychbold Bottom Green", bounded by; St Richards Road, DeWyche Road, DeWyche Close, & DeWyche Bungalows as a new Village Green under "The Commons Act 2006"

2. Name and address of the applicant

Note 2

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 un-incorporate. If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

Name:

Mr Peter Evans

Full postal address:

Wychbold Residents Association
Iona
Chequers lane
Wychbold
Droitwich
Worcestershire
WR9 7PH

Telephone number:
(incl. national dialling code)

01527 8613236

Fax number:
(incl. national dialling code)

E-mail address:

pevans@policecu.co.uk

3. Name and address of solicitor, if any

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.

Name:

Firm:

Full postal address:

Post Code

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

4. Basis of application for registration and qualifying criteria

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes. * 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.

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

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.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

Since 1954, the local inhabitants have had on their doorstep convenient, safe and unrestricted access to an area of land known as "The Bottom Green" which has been used continuously "As of right" for lawful sports and pastimes, recreation and leisure activities for in excess of 55 years, currently the third generation of inhabitants are using this land.

The situation changed on 10 September 2010 when for the first time as far as anyone can recall Festival Housing erected a fence on a small section of The Bottom Green land and erected temporary accommodation with facilities as part of a building development in DeWyche Rd. This temporary structure has now been removed and the fence disassembled 3 April 2012 and full access has been restored and the land is currently used as before.

Because the erection of this fencing albeit for a short period of time and only on a small part of the Bottom Green might be construed as an indication that the use thereafter over the whole of the green had been contentious; this claim is made under section 15 (3).

We know of no witness who believed the erection of this fencing signified the cessation of lawful use, and indeed, use of the remainder of the Bottom Green outside the temporarily enclosed area continued to be used as it has always been throughout the claim period and indeed for at least the last 50 years.

We believe that qualifying use of the land will have satisfied the requirements of section 15(2) over the remainder of the green which was not involved with the temporary fencing since there has been no interruption of use for lawful sports and pastimes.

However for the avoidance of all possible doubt this claim is made under section 15(3) being inside the two year limit which comes to an end on 9 September 2012.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

5. Description and particulars of the area of land in respect of which application for registration is made

Note 5
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.

SEE ATTACHED OS MAP-Wychbold

Name by which usually known:

Wychbold Bottom Green

Location:

The area of land is shown in “Green” and bounded by; St Richards Road, DeWyche Road, DeWyche Close, & DeWyche Bungalows

** Only complete if the land is already registered as common land.*
Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

Note 6
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.

6. Locality or neighbourhood within a locality in respect of which the application is made

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:

The neighbourhood is shown on attached Map and is bounded by the “Pink” line

To the North bounded by Worcester Rd A38

To the East bounded by Church Lane

To the South bounded by Stoke Road

To the West bounded by Stoke Road and M5 South Junction5 Slip Road

Tick here if map attached:



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).

The land known as "The Bottom Green" has been used by the inhabitants of the neighbourhood locality as described and set out in answer to question section 6 above for a period in excess of 50 years from 1954 until the present time and continues to do so, for lawful sports and pastimes, which are set out in greater detail within the accompanying evidence questionnaires.

Please see "Opening statement" for the reasons why this claim is made pursuant to section 15(3) as of right, and we therefore believe and submit that the evidence provided establishes that qualifying use pursuant to section 15(3) has been made by the Neighbourhood community and that the evidence submitted shows qualifying use which is consistent with all relevant judicial authorities. We believe that the land was and is a village green for the purposes of prescription obtained at Common Law and of the relevant Act and Regulations.

A significant number of the neighbourhood inhabitants both past and present have used the land know as "The Bottom Green" for a range of lawful sports and pastimes which are set out within the accompanying evidence questionnaires submitted in support of this application. Furthermore; a number of local clubs and organisations have historically used the land for formal and informal activities.

The Applicant and others will and do testify that they have used the land know as "The Bottom Green" as of right without let or hindrance.

As such The Applicants believe that all relevant criteria required to be demonstrated in order for the land to be entered in the register of village green has been met.

Note 8

Please use a separate sheet if necessary.

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

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

**Festival Housing Association
Festival House
Groewood Road
Enigma Business Park
Malvern
WR14 1GD
(Land registry SIMR certificate 083/F64NMKB attached)**

9. Voluntary registration – declarations of consent from ‘relevant leaseholder’, and of the proprietor of any ‘relevant charge’ over the land**Note 9**

List all such declarations that accompany the application. If none is required, write "none". This information is not needed if an application is being made to register the land as a green under section 15(1).

10. Supporting documentation**Note 10**

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

The Following is a listing of all Supporting documents

Opening Statement

77 Completed evidence forms

Map "A" Showing the land in relation to the neighbourhood

Map "B" Showing distribution & locations of residents who submitted forms

Map "C" Showing the section of land enclosed between 10 September 2010 & 3 April 2012

Register and analysis of all evidence forms submitted

Analysis of Timescales of using the land

Analysis of Observations of others using the land

Analysis of Activities performed when using the land

Photographic Evidence

11. Any other information relating to the application

Note 11

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.

On 10 September 2010. Festival Housing Association erected a fence on a section of The Bottom Green and constructed temporary accommodation as part of their building development in DeWyche Rd. This temporary structure has been removed and the fence disassembled 3 April 2012 and full access has been restored and the land is currently available for use as before.

Because residents were prevented from using part of The Bottom Green, between 10 September 2012 and 3 April 2012, under the Commons Act this may be seen as "cessation of use" hence to avoid this issue we are making this application to register The Bottom Green before the two-year date of 9 September 2012.

The erection of the temporary fencing referred to above was, as far as anyone can recall the first time such a challenge to lawful use has ever been made. While this challenge in a physical sense only prevented use of a small area of the green it was felt that a decision maker may construe this temporary fencing as presenting a challenge to use thereafter as being and contributing to the period of qualifying use. While use on the remainder of the green, unaffected by the temporary fencing, has continued and continues uninterrupted the claim is made under section 15(3).

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date:

06-08-12

Signatures

PRK

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... **PETER EVANS**... 1 solemnly and sincerely declare as follows:—

1.2 I am the person who has signed the foregoing application.

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.

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 *PETER EVANS*
at *SYDNEY MITCHELL LLP of SHELDON, WEST MIDLANDS*
this *6th* day of *AUGUST*

Signature of Declarant *PE Evans*

Before me *

Signature: *J. Virk. (JASJEET KAUR VIRK)*
SOLICITOR

Address: *SYDNEY MITCHELL*
SOLICITORS
2233 COVENTRY ROAD
SHELDON
BIRMINGHAM B26 3NL

Qualification: *SOLICITOR*

* 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