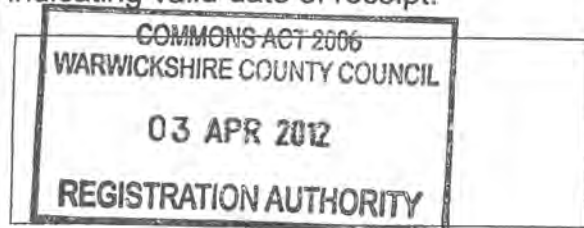


Commons Act 2006: Section 15

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

Official stamp of registration authority
indicating valid date of receipt:



Application number:

292

Register unit No(s):

VG157

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

Warwickshire County Council

Application is hereby made for the registration as a town or village green of the land described below.

There are 2 adjacent pieces of land included in the application. One is a large hay meadow, immediately at the east end of Keresley Newland (also called Keresley Village). It will be called "The Hay Meadow". Le Hanche Close, Keresley Village, Coventry leads directly into it. The post code in Le Hanche Close is CV7 8NA. It is bounded by a ditch and hedgerow on the north, and hedgerows on the other sides. The hedgerows are included in the application.

Note 1

Insert name of
registration
authority.

To the north are playing fields and a small planted woodland. To the east and south are arable fields. Along the west of the field, there is a hedge and fences marking the backs of houses in Keresley Newland.

The other piece of land is much smaller and adjoins the hay meadow. In this application it will be called "the small grassy piece." It comprises a grassy piece of ground and small spinney of trees at the east end of Somers Rd. It lies immediately adjacent to 87 Somers Rd, Coventry, CV7 8LS. Geographically, it sits next to the southwest corner of the Hay meadow and connects to it by a well trodden path.

To the east of the trees, in the small grassy piece, there is a large arable field. To the south, there is a line of fences, marking the backs of properties in Colyere Close. To the west is 87 Somers Rd, CV7 8LS, and the end of Somers Rd. On north side, it abuts the hay meadow and connects to it by a well trodden path..

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 unincorporated.

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

Note 3

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.

2. Name and address of the applicant(s)

Merle Gering correspondence to be addressed to him -

Full

Other applicants

Pauline Burns

Len Cattell -

Pat Jones -

Postcode

t to

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

none

E-mail address:

3. Name and address of solicitor, if any

Name:

none

Firm:

Full postal address:

Postcode

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

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.

4. Basis of application for registration and qualifying criteria

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 the small grassy piece:

☒

Section 15(3) applies to the hay meadow:

☒

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.

On 7 Sept 2011, a crudely lettered sign appeared on a tree trunk at the entrance to hay meadow near the end of Somers Rd. It said (approximately) 'Private Land Beware bikes and shooting'. After one or two days, the sign disappeared. The sign was on a short stick which was thrust into the branches. It not nailed or fixed to the tree. Regular users who filled in questionnaires after this date had not seen it.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded. Not Applicable

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 to it to be clearly identified.

Name by which usually known:

The land has many names locally. "The meadow". "Field 1" "Knowlsey's field", "the dog walkers field", "playing field/meadow", "the field", "the bottom field", "the fields", "the village green", "the hay meadow", "the green", "our field", "the fields"

Location:

There are 2 adjacent pieces of land included in the application. One is a large hay meadow, immediately adjacent to the east end of Keresley Newland (also called Keresley Village). It is called "The Hay Meadow" in this application. Le Hanche Close, Keresley Village, Coventry leads directly into it. . The post code in Le Hanche Close is CV7 8NA. It is bounded by a ditch and hedgerow on the north, and hedgerows on the other sides. The hedgerows are included in the application.

To the north are playing fields and a small planted woodland. To the east and south are arable fields . Along the west of the field, there is a hedge and then fences marking the backs of houses in Keresley Newland .

The other piece of land is much smaller and adjoins the hay meadow. In this application it will be called the "small grassy piece". It comprises a grassy piece of ground and a small spinney of trees, directly at the end of Somers Rd and adjacent to 87 Somers Rd, Coventry, CV7 8LS. Geographically, it sits next to the southwest corner of the Hay meadow and connects to it by a well trodden path. To the east of the trees, there is a large arable field (not included in this application) . To the south, there is a line of fences, marking the backs of properties in Colyere Close. To the west is 87 Somers Rd. On north side. it abuts the hav meadow.

** 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. Not Applicable.

Common land register unit number (if relevant) *

N/A

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 locality comprises the former mining village known both as Keresley Newland and as Keresley Village, and includes recent additions to the village along Exhall Rd and Bennetts Rd, on the site of the former colliery (known as Zest, Elm Tree Copse, Woods Piece, Mercer's meadow.) A map is attached.

Tick here if map attached:

X

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).

7. Justification for application to register the land as a town or village Green

The hay meadow and the small grassy piece have both been used as of right, by local people in Keresley village at least since the early 1950's, when the east end of the village was built. They have never used force, never used stealth, and never sought permission. They have walked onto the land freely in daylight, every single day, without any doubt and any exaggeration, and there have been no signs prohibiting entry, until 7 Sept 2011.

The pastimes engaged in include dog walking, walking, birdwatching, kite flying, bonfire parties, blackberrying, photography, painting and drawing, camping, horse riding, cycling, hide and seek, dens, tree climbing, teen gatherings, football, and camping. Every single day there is a steady stream of walkers going onto both pieces of land. Many residents (at least 32 of 53) report using the centre area of the meadow, as well as the track which goes around the edge. Similarly, many report using the hedgerows for tree climbing, den making, teen gathering, birdwatching, and berrying.

Until 2006, the farmer cut hay on the meadow some years in July. He did not plough or improve the land in any way. A few residents know who the farmer is and had conversations with him when he and his workers were making hay. Those who can remember such conversations report exchanging pleasantries, saying hello, for example. Some young people were asked "Give us a hand". No one reported being warned off of the land, unlike neighbouring farmers (at Manor Farm and Newlands House Farm). At Newland House Farm the farmer is vociferous and ill tempered in chasing off anyone who even walks down his drive, let alone walking on his fields. Another local farmer, Mr Smith, at Manor House Farm will very assertively chase you off of his land, if you stray from the footpaths.

Universally, all residents report that they walked onto the land freely. A very few report climbing over a gate - We have questioned them about this and it refers to two very porous gates, one at the end of Le Hanche Close, and one at the end of Somers Rd (installed by the local council we believe) - pictures of these gates are attached. You can walk around the fence in Somers Rd and easily slip through the gate in Le Hanche Close. Neither has barbed wire, or any signs, or presents any sort of effective barrier to a walker or a dog. Locals report that there has never been a fence around the hay meadow. One resident, Roisina Guerin, reports gaining entry by going through a gate - when asked about this,

She said that she was referring to the gate at the side of her own property, which allows access into the arable field next to her house.

More than 50 Witness statements stretch back to 1955 and cover the full period up to the present day continuously. 53 questionnaires have been returned, which represent 57 witnesses. All affirm, without exception, that they never sought or received permission to use the land, that they have never been prevented from using the land, that no one has ever put up notices or fencing, or any other measure to prevent or discourage use of the land. (one witness states that she received permission, but it is very clear from her statement, that she did not ask permission and that nothing was ever said or written – She simply inferred that she had permission from the fact that nothing was ever said to her about trespassing even though she saw the farmer.) . She said on her questionnaire “have been seen walking on the land and no reference to “trespassing” was mentioned at all so assume no problem. “

Local Residents believe that they have used both pieces as of right since at least 1955. The present owner of the hay meadow, whom we believe to be Mr. Roger Knowles, acquired it by squatters rights/adverse possession, from the coal board- He did not take steps to prevent or discourage residents from engaging in lawful sports and pastimes on the land, until September of 2011, when residents began collecting evidence towards registering the land as a village green. Even then, he only put a sign which was present for just a few days – it was just perched in the branches of a tree and may have blown away. . There is little likelihood that more than a few people saw it – most local residents will still, to this day, have no reason to believe that any effort has been made to keep them off the land.

There are 3 main entries into the hay meadow from Keresley village. Of these two are completely open, ungated and unfenced. One such open entry is in the northwest corner of the meadow, over a vehicular bridge, coming from the sports pitches, and the other open entry is from the small grassy piece, in the south west corner of the hay meadow. Pictures are attached. There are also further completely open entries on the other side of the meadow, near the north east and south east corners.

At the end of Le Hanche Close there is a skimpy gate, which prevents vehicular entry, but does nothing to stop pedestrians – you can very easily slip through it – there are no bars on it or barbed wire, which could plausibly impede pedestrian entry, and no signs prohibiting entry. By contrast, just down the road, (a quarter mile east of the hay meadow) on the new 'country park' which sits on the site of the old colliery, the land owner has put up sturdy metal signs informing users that use is by permission. Nearby in Bunsen Wood, the farmer, Mr. Smith, has gone to considerable trouble to dig deep ditches, and erect earthen dikes, to prevent people going from into his fields from Fivefield Rd or Bunsen Wood.- Other local land owners have taken considerable trouble to regulate public access to their land, unlike Mr Knowles who has done nothing until Sept 2011, and even then, he did so in a way that could hardly be effective in informing the public. .

Mr. Knowles has lived nearby for many years and knows many local people. He was the tenant farmer on the site of the old colliery, just across the road from Keresley Village. From time to time, he would drink in the local pub, the Golden Eagle in Howat Rd and he was the local milkman. He had many opportunities to tell people not to go on his land, but none of the more than 50 witnesses, report that he ever told them to stay off of his land or told them that they used it by his permission or informed them in any way that they did not have a right to go onto his land.

To the contrary, those who had contact with Mr. Knowles report that it was friendly, that he would say 'hello' to them if he saw them on the land when he was making hay. He would say to local teenagers, during haymaking, "Give us a hand". There was nothing in any of his conversations, as reported by the witnesses, which suggest that people were not using the land as of right – he did not try to warn them off the land, or tell them that they used it by his permission or tell them they were trespassing or do anything to prevent their use of the land for lawful sports and pastimes.

Regarding the ownership of the two parcels: A search of the land registry shows that both are unregistered, with the possible exception of a couple narrow strips on the hay meadow. A local resident, Mrs Binnie Thay, of 81 Somers Rd, reports that in the 1980's both the Coal Board and the local council denied ownership of the small grassy piece at the end of Somers Rd – at the time, she was campaigning to get them to stop nuisance dumping at the end of the road and to take care of the land.

A search of the definitive map shows that there are no officially recognised footpaths on either of the two parcels of land. There are however well worn tracks. On the Hay meadow, there is a wide track around the edge and there are also tracks cutting through the meadow. Photos of the track around the edge, and of a track through the middle, are attached. On the small grassy piece, there is a well worn track from the end of Somers Rd down to the hay meadow, and also through the Spinney into the arable field on the east

Sometime between June 1992 and 1996, Nuneaton and Bedworth Council put up the bollards and a vehicle gate at the end of Somers Rd, cleared the land of trash and nettles, and began to regularly cut the grass – Mrs Sue Linstead was able to date this as occurring between the time she moved in in June 1992, and the birth of her first child in 1996. Prior to the council clearing and maintaining the small grassy piece, locals used it for sports and pastimes, even though there was a good deal of fly tipping, and thick beds of nettles. A pathway led from the end of Somers Road into the spinney and also into the hay meadow. There was an annual bonfire night event (the local streets would compete to see which could have the biggest bonfire), blackberrying, and local children played in the spinney throughout the year, made dens, built tree houses, and socialised.

Note 8

Please use a separate sheet if necessary.

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).

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

Note 10

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

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

We believe that Roger Knowles, of Burrow Hill Lane, Corley, Warwickshire is the owner of the hay meadow, - he obtained ownership through squatters rights/adverse possession, having been the tenant for 20 years when the National Coal Board, the owner, failed to collect the rent. However, the land is not registered with the Land Registry.

We do not know who is the owner of the small grassy piece. Mrs Binnie Thay, of 81 Somers Rd, reports that in the 80s both the local council, and the National Coal Board denied ownership of this parcel of land. The Coal Board had built much of Keresley Village for miners in the Keresley Colliery and owned other open land in the village) - She was trying to get someone to clear the rubbish and nettles from the land and to take care of it. It is not registered on the Land Registry. Currently Nuneaton and Bedworth Council cuts the grass regularly.

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land

none

10. Supporting documentation

52 Signed Evidence Questionnaires from local residents

a map showing the land

a map showing the locality

7 pages of photographs showing the entries into the hay meadow and paths, measures taken of used by other landowners nearby, to prevent use 'as of right'

4 pages of summarised information from the questionnaires. information

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.

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.

11. Any other information relating to the application

We do not know if the land owner will challenge registration. We understand that he has received a substantial sum from a land developer as an option against house building on the land.

Date:

25 Jan 2012

Signatures:



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, Merle Gesing,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) (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/

⁴ 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 THE LAW PARTNERSHIP

this 26th day of January

Signature of Declarant



Before me *

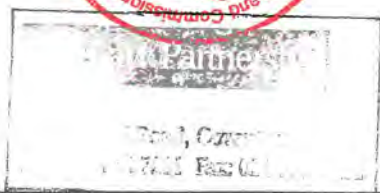
Signature:



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

Map of the locality

(the local area where residents have used the Village Green)

It Includes the traditional area of Keresley Village (the former mining community), plus recent adjoining development on the site of Prologis Park. (Zest. Woods Piece

The locality is marked out with a heavy red line around the edge..



26/01/2012

Exhibit marked A referred to in the statutory declaration - map of the land claimed.
Village Green boundary marked in Red. .



Cadcorp®

Sterling Court
Norton Road
Stevenage
Herts SG1 2JY
UK

Tel : +44 (0)1438 747996
Fax : +44 (0)1438 747997
E-mail: info@cadcorp.com

Exhibit marked A referred to in the statutory declaration of

Abdul Salam Khan [name of solicitor] made this 26/01/12 [date]

before me

Soltan

[signature]

[Qualification]



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright.
Licence Number: 1000000000