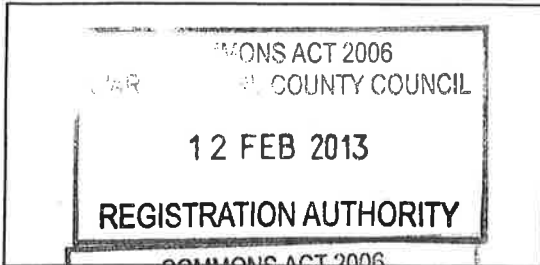


Commons Act 2006: Section 15

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

Official stamp of registration authority indicating valid date of receipt:



COMMONS ACT 2006
WARWICKSHIRE COUNTY COUNCIL

12 FEB 2013

REGISTRATION AUTHORITY

Application number:

295

Register unit No(s):

VG 160

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

Note 1

Insert name of registration authority.

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 unincorporate.

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

Name:

Full postal address:

Postcode

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Also Lorraine Thomas, Lorraineford
3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Post code

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:

☒

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.

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

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.

* Only complete if the land is already registered as common land.

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.

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

Name by which usually known:

The field running adjacent to the A428 is Garroths. Back Lane is Hensons. Also been known as Foster's Fields.

Location:

From Back Lane, Long Laxford to The Green. Back Lane to the corner of Back Lane railway bridge.

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

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:

Map attached Exhibit A land in question.

Map attached Exhibit B neighbourhood response & campaign area.

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 edged red on the attached map and filled in with green, has been in continuous use by the villagers since the 1930's.

The witness statements taken are from a small area of the village namely :-

Rugby Road
Bricks Close

The Green
Back Lane.

This represents a small area of villagers who have been approached and willing to testify that these fields are in constant use.

Please refer to statement in full as attached.

Land is also Ridge & Furrow which requires protection in its own right.

Ridge & Furrow And The Historical Importance

Firstly, before we launch into the elements of legal access for 20 or more years we would wish to bring to Warwickshire County Council's attention the status of these fields.

In the 1990's English Heritage undertook a Midlands Open Field Project, in which they identified Henson's field in particular as being Ridge and Furrow. In 2001 Leicester University did further exploration of this area and found a medieval ditch along with three fields that are classed as Ridge and Furrow. They concluded that this is the last of the visible medieval village area of Long Lawford and that the rest had been eroded away through building projects. They also highlighted that this was the very last connection with the medieval village of Long Lawford and the countryside and shows good examples of ancient farming methods. Both English Heritage and Leicester University noted that this alone gives these fields a "certain level of status". It is therefore right that we should highlight their significant and historical importance and the part that ultimately it will play in any future protection of this area of land.

We have recently been in discussions with the Warwickshire Historic Environment Record Office at Warwickshire County Council. We asked them if they would be happy to give relevant information such as plans, LiDAR records and anything they feel may be beneficial which would help give extra credence to this Village Green Application. Whilst we are at pains to stress that we are not requesting Warwickshire Historic Environment Record Office at Warwickshire County Council to weigh into this application, we would be grateful if they could offer their services and input in terms of the historical records which they hold.

Having recently spoken with English Heritage on this matter they feel that although the site should be preserved in its entirety to prevent further and final erosion, there is no legal parameters in which they can do so. They believe that it is of "National Importance" that this land should be protected and rightly have protected status, but are not able to do so. They note that this is an area where Ridge and Furrow is recorded and that alone gives it a certain level of status.

Both English Heritage and ourselves feel that the only way this could logically work is by protecting this entire remaining area by Village Green Status. This would then give greater power to the Parish, Borough and Warwickshire County Council as to how this land goes forward and is ultimately protected from both future development and its on-going maintenance. A management plan would then be able to be put into place.

It is absolutely important therefore that we would request the input of the Archaeologists and Museum Fields Services Teams in Warwickshire County Council and that they be allowed to make, where they feel appropriate to do so, material available that would assist in this application. We feel that having Village Green status would give absolute protection to the remaining Ridge and Furrow and that for future generations it would be managed to a significantly far higher standard than it has done in recent years.

Dating back to the 1930's this land has been in constant use as of right. We know this through speaking with witnesses who are old enough to remember. There have been numerous and significant pastimes on these areas which includes:-

Dog Walking

Pond activities

Metal Detecting

Camping

Picnicing and bar-b-ques

Seasonal berry picking and mint collecting/harvesting

Horse riding

Children's games – den making, hide and seek, putting up car tyre swings, ball games (football and cricket) Frisbee and teen gatherings.

Wood collecting

Photography, painting and drawing.

Wildlife spotting

Kite Flying

Bonfire and fireworks events.

The land, particularly of note in Henson's field, is classic Ridge and Furrow ancient farming. This needs to be examined and preserved as a matter of some urgency and possibly be the subject of a separate investigation for protected status.

The land in question has a clear identity, the extent of which can be corroborated by many persons. All of these activities have taken place in full view of, and with the full knowledge of both the landowner and those who rent/graze the land. These acts were neither sporadic nor did they constitute trivial usage; it was undertaken without force, without secrecy and without obtaining any permission from successive owners in title. No one has ever been told to leave. No notices have ever been erected since the 1930's to state otherwise. There has never been any such request/behest to desist from using these fields at any given point in history to the present day. Conversely, there has never been any request, at any time, to have use of the fields by the villagers to all successive owners in title either.

Some four years ago, Henson's field had come into such a dire state, which was traceable back to the late 1980's that John Martin had recently started to graze his cattle on there. This had culminated in many letters being sent by the council, at the request of Long Lawford Parish Council, to the landowner to get the overhanging hedges cut back from the public footpath and street lights. Mr Martin erected some post and wire fencing and installed access gates at the entry for the rights of way. This was done solely for preventing his cattle pushing through the now heavily trimmed hedgerow and accessing the road. It kept his cattle in the field and therefore safe.

About four years ago a fly tipper was caught in the act by Warwickshire Police attempting to tip his load in the field at the top of Back Lane. This field had no access gate to it, it was fully open and you could drive straight in to it. This had been the case for about 25 years. Warwickshire Police apprehended the person and Rugby Borough Council then sent in

contractors to clean up the mess, by a request from a member of the public, from the landowner's gateway and into the field. No one was charged for this, but the costs were borne by the taxpayer.

You would have thought that metal detectors would have illicitly a response from the farmer who has a right to request that any finds are legally split. Oddly, nothing ever happened. In fact shortly after the Staffordshire find of Roman artefacts, which was millions of pounds in value, the metal detectors were out in force in this field and they are still to be seen frequently. Yet no metal detector approached the farmer (as a tenant) or the owners, nor did the farmer (as tenant) or owners speak with them either. All through the years many people have witnessed this, yet the detectors appear to have acted with impunity. Even more so, many villagers have used the mint growing at the top of Henson's field and in fact some of those spoken to had even taken a spade up there and cut out a good root of it to take home for growing on in pots; again all this went on without request being sought, or without challenge of their activities.

George Shaw, whose witness statement is in the bundle, has stated no one was ever told to leave. Everybody uses it and has always done so. Lorraine Thomas's grandparents, her parents and now herself make good use of this area and have used it for horses and also training her gun dogs; all in sight of the farmer. In fact Lorraine Thomas has even had cause to telephone the farmer when his cattle have been in trouble. The statements of the Parsons' are of particular note in the bundle and are worthy of legal status due to their extensive knowledge of the land, including a gate onto this land for their own personal access and use.

All those responded thus far believe that they have had continuous use and rights over this land undisputed since 1932. The only time that this has not been the case was with the two foot and mouth outbreaks (primarily in 2001) in which the Government ordered the public to stay off farmland. John Knowles believes there was an outbreak around 1967 in which access to farmland was prohibited also, which for honesty's sake we believe is worthy of note. These restrictions should not be counted as these were imposed Government Restrictions.

We also believe that these fields are the lungs of the village and the continual use of them in the current form is vital to maintaining the village as we know it. Crucially however, we have far surpassed the 20 year threshold required by law. This land is classic village green status. It has been grazed by animals and it has ponds in each tranche of land as the watering hole. It has never been ploughed in living memory and it fits the criteria perfectly; notwithstanding any objection from the successive owners in title since the 1930's, there has been constant and continuous usage by the public.

All those who have submitted written evidence testify that this land is a Village Green by virtue of its' continual use throughout the decades. There has been no competing between owners and successors in title and for those using the land as of right. Quite simply put, the owners have spoken to and witnessed users without exercising cause and effect throughout

the years. In other areas of the village where public footpaths are in evidence these have been fenced off and notices put on the private land. This is absolutely not so in this case. Beyond the erection of the new gates there is absolutely nothing to distinguish any rights of way across this land. There are no markings by way of posts, discs or markings on trees. The successors and owners in title have been well aware for decades of the constant use and it was their burden and legal duty to protect the private areas of land. They did not do so. The other locally made and improvised access points made in 1990 are still being used however, and were never blocked up or access prevented.

The entire usage of the land was well outside the exercise of the public right of way due to the large areas of land involved and that once again, the owners and successors in title allowed by right, everyone to have use of the entirety of this land without compromise. 'Nec vi, nec clam, nec precario' existed, or in English 'not by force, nor stealth, nor licence' was it used by all those who accessed it. This is also clear from neighbouring homes bordering the land that have access gates directly onto the land for their recreational use and these are well outside the remit of the public footpath. Again, this is proven with other access points made by locals to gain other access to the fields, thus circumventing the public rights of way (evidence in photographic disclosure as submitted). There is a significant and established pattern of use beyond the public footpath. The evidence is clear that the inhabitants of the village have use of the entirety of the land without question or complaint, for a varying array of recreational uses, and this has continuously been done for at least 82 years.

We would also ask Warwickshire County Council to note the erection of Anderson shelters during WWII. These were erected by locals and one can still be seen on this land at The Green. The other Anderson shelter was in Henson's field and was erected by Arthur Foster along with others. Lorraine Thomas states that she clearly remembers the Anderson shelter being located near the pond in Henson's field close to the hedgerow dividing the land as local children used it as a den. These shelters were well outside the remit of any public rights of way and their continued right of use in existence shows clearly a continuation of use beyond any legal aspect of a right of way.

The landowner and successors in title have taken no action to prevent this or blocking access. Likewise, there has **never** been any notification whereby the landowners or successors in title have issued notices, by way of published agreements in the local newspaper, the local parish magazine or signs erected around the field expressly permitting use, which could be later be revoked. We have naturally therefore, acquired rights over the entirety of the land. The Prima Facie is proven for this to acquire Village Green Status. Namely, that the villagers should be able to continue to enjoy the land in perpetuity and have the protection of the Section 29 Commons Act 1876. There is in addition, ancient woodland and hedgerow along with good specimens of various trees all of which should be afforded the protection of Village Green status.

In the event that this goes to a public enquiry, we have substantial evidence to show that continuous activity has taken place across these areas without challenge for at least 82

years. All those are willing to attend a public enquiry and be cross examined. It is simply not for the owners now to attempt to challenge this application when they have done nothing to prevent any access throughout the decades.

As a final note we are not asking for anything which, by law and by right, we are not entitled to. We have used all of these lands for many, many years; all of us without knowing that by doing so would eventually create a legal precedent. Some used it out of necessity through WWII for both shelter and food. We would ask that the landowners would take this into consideration should they wish to appeal. It is for the good of the village, for the benefit of not just those who already have use of these lands, but for those who are newly moving into the village. Is it only fair that we should have continual enjoyment and freedom over these areas, which has always existed and was never prevented. It would be a testament to both the landowners and Warwickshire County Council that we are given Village Green status that is of benefit for all.

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).

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

Owners of the land is unknown.
Local farmer, Mr John Martin of
Holmefield, Bilton Lane,
Long Laxford, Rugby, grazes
his cattle in there

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

None.

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.

Signed witness statements
A map showing the land
Photographic Evidence

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.

11. Any other information relating to the application

The land owner(s) are fully expected to challenge this application.

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:

25/11/2012.

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 GILLIAN¹ solemnly and sincerely declare as follows:—
CROSS

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) (³ ~~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 WILLIAM CROSS

Lorraine Thomas

at

this

Long Layford
25th day of November 2012

Signature of Declarant

Before me *

Signature:

Address:

RUGBY WARWICKSHIRE

Qualification:

J.P. M.A.

JUSTICE OF THE PEACE (RETD)

UNIVERSITY TUTOR (UNIVERSITY OF WARWICK)

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

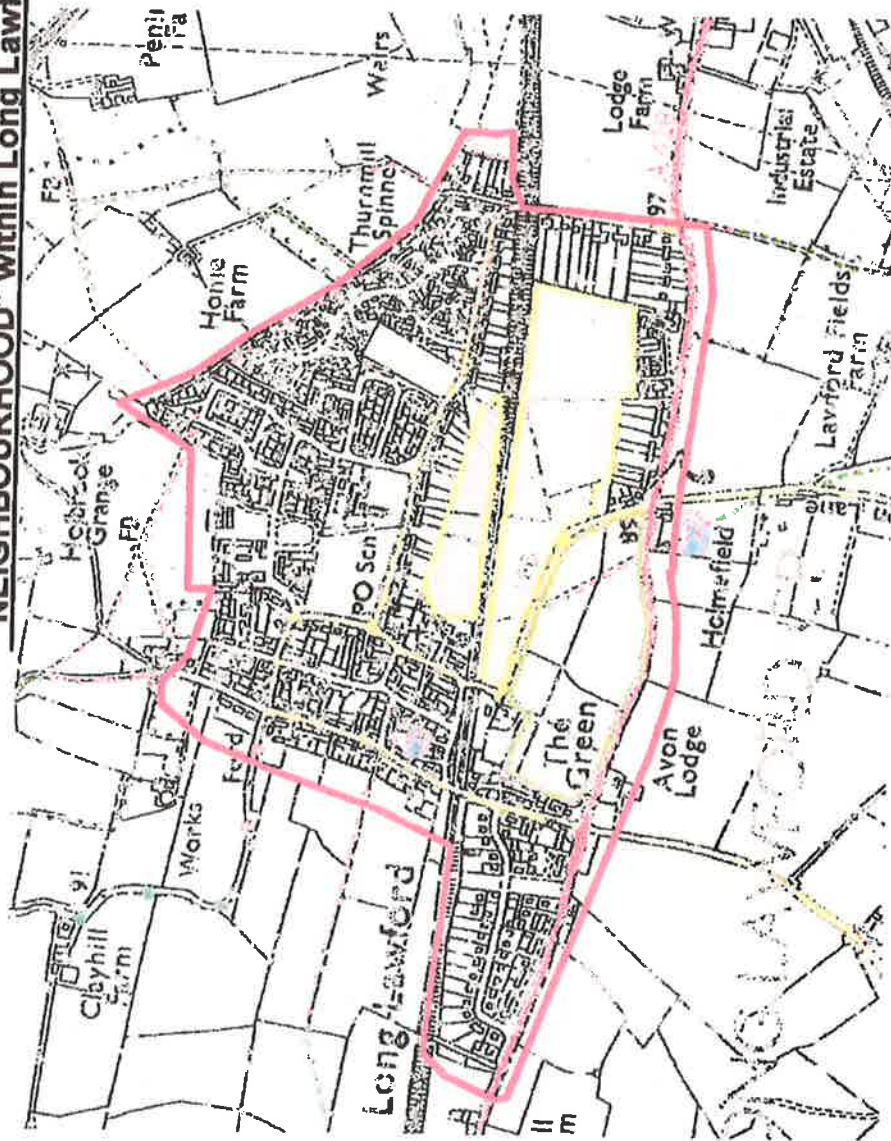
Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

MAP A

"NEIGHBOURHOOD" within Long Lawford Parish.



New Housing Estates

Claimed Land - Proposed
Village Green Area

Claimed Locality which use
the land (neighbourhood)

Signature

Land at Long Lawford 1:2500



Operator:	xxxxxx
Department	xxxxxx
Drawing No:	xxxxxx
Date:	16/1/2012
Scale:	1:?

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