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Your Ref: VG243(7/08)
Our Ref: CJG/VEB/547526-1
Date: 15 October 2010

Dear Madam

re: Application to Register Land known as Longbridge Road Play Area,
Bramley, as a Town or Village Green

Further to your letter by email dated 11th October attaching Revised Inspector's Report, I attach Additional Comments raised by the Objectors.

This should be read in conjunction with those previous Comments filed on 8th October although you will note that in the conclusion of the Additional Comments, the Objectors have adopted a distinct stance and now seeking the CRA to remit the matter to a fresh Inquiry with the request for a second opinion being in the alternative.

Yours sincerely


Chris Gates

LARCOMES LLP

Enc

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Mark Tooley - Lynn Davison - Julia Davis
Richard Hopgood - Christopher Gates
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(S. 10/10)

In the Matter of
An Application to Register
Land at Longbridge Road, Bramley, Hampshire
As a New Town or Village Green

ADDITIONAL COMMENTS OF OBJECTORS
ON INSPECTOR'S REVISED REPORT

Larcomes LLP
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Ref: CJG/547526-1

In the Matter of
An Application to Register
Land at Longbridge Road, Bramley, Hampshire
As a New Town or Village Green

ADDITIONAL COMMENTS OF OBJECTORS
ON INSPECTOR'S REVISED REPORT

Introduction

- [1] These further comments are supplemental to the Objectors comments previously filed with the Registration Authority on 8th October 2010.

Such further comments arise out of the prevision of a Revised Report which additionally incorporates the evidence of Malcolm Green, Sharon Barrett, John Cooper and Graham Brailey which is quoted at paragraphs 159 to 188 of the Revised Report.

Further errors in the Inspector's Report

- [2] In addition to those errors raised as bullet points in the previous comments of the Objectors on the Inspector's Report, the Objectors wish to additionally highlight the fact that the Inspector has not properly summarised the evidence given by the aforementioned witnesses in his Revised Report and, indeed, a cursory examination of his précis of the evidence of the Applicant's other witnesses (22 individuals) and the Objectors' witnesses (totalling 4 individuals) is similarly inaccurate.

This goes to matters generally.

- [3] Attached are comments made by John Bell made by reference to his own notes of evidence of the aforementioned witnesses at the final day of Inquiry on 28th June 2010. At this stage the Objectors have not prepared similar comments in respect of the remaining witnesses but reserve the right to do so.

Conclusion

- [4] The extent of the errors in the Inspector's précis of the evidence in his Report are such that the evidence which was in fact given in the Inquiry is not properly presented. It follows that that his analysis of that evidence within the legal framework must be flawed and those conclusions reached are without foundation.

- [5] The CRA is respectfully requested to reconvene this matter to a fresh Inquiry with a different and suitably qualified Inspector without delay. If the CRA is unwilling to do so, then the request that the CRA remits the paperwork to an alternative barrister for a second opinion is put forward in the alternative.

L. Sullivan

[for and on behalf of the Director]

Comments on additional statements in Inspectors Report.

1. Mr Malcolm Green

- Jubilee celebration – MG confirmed the event was held in someone's garage and used the road at the bottom for children's games. The adverse weather (as indicated in the Inspectors Report) could therefore not have been that bad and proves no use of subject land.
- CB – Questioned MG's reference to different activities and asked '*where the rope swing was situated?*' MG replies: '*it was in a tree attached to the play area side of the ditch that they swing out on, up the ditch*'. The said tree, as witnessed by the Inspector is on the opposite side of the ditch and the swing does not enter the subject land. Omitted from Inspectors Report yet evidence of no recreational use on subject land.
- MG confirmed he could only see part of the subject site from his rear bedroom window; therefore it would be impossible for him to confirm that the regular passing traffic (foot or bike) was using the land for recreational use rather than merely a short cut. – Not in Inspectors report.
- VC asked the ages of the boys using the land – 25 to 29. MG confirmed that '*the last one used it to mid 90's, but primarily a long time ago. 15 to 20 years ago.*' – Not in Inspectors Report. This implies the majority of use was prior to the VG application time frame and confirms an interruption of use in the mid 1990's.
- MG again confirms to VC that the activities comprised '*dens in the ditch and the rope swing at the end of the ditch*'. – Not mentioned by Inspector in Report.
- VC asks MG '*you say you used it to often, daily, why did you not say so*'. MG replies: – '*it's not an adult's play area is it*' ... '*I did not produce this (referring to his witness statement), I used it to walk through as a circuit*' – This confirms footpath use only and he did not own a dog! - Not mentioned in the Inspectors Report.
- VC states that JB '*wrote to Mrs Walker objecting to her mowing the grass*'. MG replies: '*yes I do remember that coming round, I believe all the residents in the road had this*'. VG re-confirmed '*you received a similar sort of letter?*' MG replies: '*yes*'. This proves the many residents were aware of the letter stating that the land was in private ownership, which undoubtedly puts them on notice of the land being private property. - Not mentioned in Inspectors Report.
- In respect of the logs VC asks: '*are you saying they (the logs) were put in place to block the path?*' MG replies: '*well there are 3 logs across the path and it blocks the path*'. This confirms the intention to block the access and puts him on notice. – Not mentioned in the Inspectors Report.
- Inspector asks MG '*post 2002 you used the land, how would you use the land. A linear route rather than activity on the land?*' MG replies: '*yes, but I used it as a recreational route to the shops etc*'. The Inspector re-confirms: '*your recreational route as a short cut*' MG replies: '*Yes*'

Much of this evidence at the Inquiry has not been mentioned in the Inspectors Report and paints a very different picture than that written in the Report. This proves that any recreational use was historic and interrupted in the mid 1990's and latterly such use has been as a 'circuit' and 'short cut'

Mrs Sharon Barrett (Dunroymn, Sherfield Road)

- Mrs Cathy Baker again pressurising locals by providing written statements for them to sign. Mr Harris of No. 5 Longbridge Road, was furious with the constant pressure she was putting on local people.
- SB confirms in witness box that, that the words in her statement, she **'took it down over the phone from Cathy Baker'**
- In the witness box SB could barely remember anything, including relevant dates.
- SB confirmed she walked her dog daily, but did not notice any fencing or works!!!! VG asked: **'When did you lose your dog?'** SB replies: **'2003'** VC asks: **'you walked every day to 2003, then less, once a week. Where did you walk?'** SB replies: **'the cinder path, green, Longbridge Road, back of Strawberry Fields and back home'** VC states **'a dog circuit approached by the cinder track?'** SB replies: **'yes'** VC then goes on to ask: **'were you using the land every day?'** SB replied that when the **'dog was getting old'** she took a shorter route which comprised **'Sherfield Road and back home'** This implies that an interruption in her use (which was a dog walking circuit, therefore probably along the footpath) occurred before 2003, (as the dog was getting old), possibly in 2001, when Park Estates took over the land and this would concur with her evidence of not noticing the fence being erected or gate and sign being erected. This would also ring true with her later statement of **'I don't remember a fence full stop'**.
- My notes say nothing about the children picking blackberries. (could have missed this or probably in her statement)
- The Inspector stated that 'she remembered walking with her dog around 'cycle ramps' on the land from 2005 onwards. When the Inspector asked her this question, **was it '2, 5 or 10 years ago?'** SB replied: **'I walked around them with my dog, my new dog, possibly 2005. It could be'** This means it could quite easily been in 2008/9 when one hole in the ground and a small ramp suddenly appeared. This was after the VG Application.
- In respect of the logs SB stated: **'I don't remember them being there, children sitting on them, but I don't use that track and part of the Green'**.

This again is quite different from the Inspectors interpretation and clearly shows an interruption of use prior to 2005 and more likely 2001, when Park Estates bought the land, which would equally follow the rest of her evidence. These points were not mentioned in the Inspectors Report.

Mr John Cooper (42 Longbridge Road)

- The Inspector states in his report that they used the land for activities such as football and building camps. (probably in his statement). Firstly, there is no evidence on site of worn grass areas that would have been used as goal areas, therefore such use must have either ceased some years ago, or have been 'not significant'. (see witness statement later from Mr Graham Brailey who used to train football and confirmed **'After 2005 (but this approx date could well have been 2001 which would fit in with his remaining evidence) he said that the grass was too long for football**

and the children didn't play football after that' . This would confirm an interruption of use. The camps he was referring to were ***'in the stream'*** in his own words, referring to the ditch which is outside the VG application and not in our ownership. This again dilutes the significant user test. - Not mentioned in the Inspectors Report.

- When JC recalled the area of grass historically mowed as about ***'twice the size'*** of the Inquiry Venue. JC actually said in the witness stand: ***'I can't gauge how big the land was with all the brambles'*** VC went on to say: ***'what, twice the size of this room?'*** JC replied: ***'yes, maximum'***.
- If he used the land so frequently how did he not notice the fence going up. In the witness stand he stated that ***he 'saw then putting the gate up but it was always open'*** The gate was put up at the same time as the 75mx1.8m fence, it would be impossible to notice one and not the other. In JC's statement he said it had been his impression that the purpose of the gate was ***'obviously to exclude people going on.'*** The Inspector later questioned JC saying. ***'you saw the gate going up did you think people were trying to stop you getting on the land?'*** JC replied: ***'Yes, without a doubt'*** - Not mentioned in the Inspectors Report. This surely confirms that he JC had been put on notice that the land was private.
- Later JC confirmed that he had remembered the appearance of the tree trunks in 2007, since he had found the path to Forge Fields Estate **blocked**. This again confirms the land was private and he had been put on notice of this fact therefore his use was interrupted.

This again paints a completely different picture to that in the Inspectors Report.

Mr Graham Brailey (40 Longbridge Road)

- Once again Mrs Baker had drafted the statement putting pressure on the locals.
- ***'he himself had used the land for picnics with his children, mainly at weekends in the period 1986 to 1995'*** THIS IS 15 TO 24 YEARS AGO! This does not run for the period of the VG Application and therefore shows interruption of use. Not a consistent user – not mentioned in the Inspectors Report.
- He claims to have played football on the land until about 5 years ago. Is he certain it was 5 years ago or could it have been 9 years ago! Psychologically, if we all think of when we remember something in the past, inevitably a much greater time will have elapsed than we think. This is a natural phenomenon. Again such use has therefore been interrupted and had not gone on for the consistent 20 year period. ***'After 2005 (which quite understandably he could have meant after 2001) he said that the grass was too long for football, and the children didn't play football after that'***. This proves JB'S evidence that since Park Estates ownership the land had not been used for recreational use! Therefore there is every suggestion here of an interruption of use.

- **'When he moved to the area, he thought BDBC had mowed the land'**. This proves that originally he would have assumed the land was owned by BDBC. If his memory deceived him and his use had not stopped in 2005, but 2001, which is more than possible, he would not have noticed the fence going up, as he confirms or the sign going up as it had not yet been erected!! He goes on to say that he **'could only remember the remnants of the old wire fence'** This surely concurs with the theory that his dates of use were probably incorrect by 4 years, which is more than humanly possible. I do not believe the Inspector has considered any of this material in any great depth. **His decision is so obviously incorrect when you look at the facts in depth.** He goes on to say that latterly his children passed from the land to the cinder track when doing their paper rounds. This again proves significant use of the land as a **'short cut'**.
- His last 2 statements further go on to prove that his estimation of dates is incorrect. It was not 2005 when he stopped using the land but **2001**. His statement would therefore now make more sense and be much more plausible but proves an **interruption of use.**
- In the witness stand when discussing the logs, VC asked GB: ***'the pathway was blocked by 3 very large logs, do you recall?'*** GB replies: ***'I can't recall personally.'*** VC then states: ***'why do you say on page 118. 1 year ago the owner placed several trees on the land'*** GB replies: ***'what I am trying to say is that my son gave up his paper round, therefore I did not use it'.***
- The Inspector later asked GB, you said you stopped using the land ***'between 1995 and 2005'*** GB replied: ***'yes'*** The Inspector went on to say ***'in 2005 word got around that you were not meant to be playing and therefore you stopped'*** GB replied: ***'yes'.*** Inspector: ***'you nor them have played after 2005'*** GB: ***'No, not at all'.*** This further provides proof that the 2005 date that was approximate, was more likely to have been 2001/2 as when GB states that word got around that they were not supposed to be using the land, this is probably referring to the letter to Mrs Walker, written in July 2002. This again undoubtedly proves interruption of user and fails the required tests.

This evidence again has not been highlighted in the Inspectors Report and conveys a totally different situation than appears in his report. I feel that he has missed out fundamental facts of the evidence presented that would, by any competent Inspector, have been considered as significant material facts in this evidence.