

## 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

The Registration Authority (Public Right of Way Department)  
Somerset Council  
County Hall  
The Crescent  
Taunton  
Somerset TA1 4DY

### 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:

Telephone number:  
(incl. national dialling code)

Fax number:  
(incl. national dialling code)

E-mail address:

**3. Name and address of solicitor, if any**

Name:

Firm:

Full postal address:

Telephone number:  
(incl. national dialling code)

Fax number:  
(incl. national dialling code)

E-mail address:

#### 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 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.

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

Name by which usually known:

2 plots of land at the eastern end of Bowring Close. Both sections are maintained, grassed areas in 2 sections separated by the access to the cul-de-sac and part-bordered by pavement. The northern section measures 261.5m<sup>2</sup> & the southern measures 269.2m<sup>2</sup>

Location:

Bowring Close, Coxley, Wells, Somerset BA5 1RH  
ST 527432  
Centroid: 355348.67, 146001.47  
What 3 Words: winter.bikes.searching

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

Common land register unit number (if relevant) \*

ST6613

**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.

\* 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.

**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 is identified as that within a 500m radius from the entrance to Bowring Close and constitutes most of the western end of the village of Coxley. Coxley is a village stretched along the A39 and has 3 distinct sections: Coxley Wick, north of the A39; Upper Coxley, south of the A39 and the ribbon settlement of Coxley along Main Road and with a post-war housing estate (including Bowring Close) at the far western end of Main Road.

The locality includes 8 housing estate roads, dwellings along Main Road (A39), and dwellings at Harters Hill, Bowring Close, Harters Hill Lane, Harters Close, Church Road, Vicarage Close, The Vineyards, Pen Tor Close, Burrige Close, non-estate dwellings on Main Road, farmhouses around Harters Hill and all dwellings along Main Road between the entrance to Burcott Lane and Little Orchard, Main Road Coxley.

The locality includes a total of c193 dwellings, the majority of which are south of the A39. Most are approximately 1km from the nearest open space to the north-east off Mill Lane.

Tick here if map attached:



EXHIBITS A-F

## 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 justification for application to register as a Village Green is to protect both spaces from being lost as open, communal land to residents in the locality and to protect the space from development. The Council wish to ensure the two spaces continue to be accessible, communal space to residents and children with no nearby alternative.

Access to the nearest open space involves crossing the extremely busy A39, which Speed Indicator Devices regularly indicate has on average 40% of cars travelling over the 30mph speed limit. It is also approximately a 1km walk to the Recreation Ground and the route neither a pleasant one or one that young people should be required to navigate on their way to a play space.

There is no resident access to Coxley School playing field, as confirmed by the Head Teacher on 30<sup>th</sup> October 2023 for safeguarding reasons (although they are disappointed not to be able to support the local community – and some of their own pupils- in accessing their open space).

The attached evidence demonstrates clearly the use of the 2 open spaces and the strength of feeling that residents in the locality have to protect them and continue to enjoy them. Further it indicates the longevity of the use of the spaces, with references mentioning 30 or 40 years of use. The Wells Journal article of 1973 confirms that the space has been in use as a play area for 50 years.

The southern space also holds a dog waste bin, a grit bin and notice board, assets of the Parish Council.

Trees & handmade swing and evidence that previously toys and play equipment had been shared at the site by residents.

**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**

Kerry Moncur, 1 Bowring Close, Coxley – wall of dwelling borders the site  
Unknown, 13 Bowring Close, Coxley – wall of dwelling borders the site  
Mr M Attwell, Harters Hill Farm – field borders the site  
Coxley School – playing field fence borders the site  
Somerset Council – own the site.

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

[Empty box for voluntary registration declarations]

**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).

**Supporting documentation**

**Note 10**

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

Please use a separate sheet if necessary.

10.

- 1. Resident evidence (handwritten & via social media) (EXHIBIT G)
- 2. OS/Mapserve 1:2,500 map (Exhibit A)
- 3. HM Land Registry Map (Exhibit B)
- 4. Somerset Council Bowring Close right hand side (Exhibit C)
- 5. Somerset Council Bowring Close left hand side (Exhibit D)
- 6. Composite of the land to be registered as Village Green (Exhibit E)
- 7. Locality of Bowring Close, Coxley (Exhibit F)
- 8. Speed Indicator Device results 2022-24, Coxley Church (EXHIBIT H)
- 9. Wells Journal article (EXHIBIT I)

## 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.*

11.

Bowring Close land was originally part of the curtilage of the social housing and provided community open space. Despite Somerset Council no longer being responsible for the housing, the land under consideration still meets the original purpose.

The 2 plots of land are owned by Somerset Council. They have been placed at auction for sale twice, in January and September 2023, despite protestations about the communal use and community value of the land to residents for 50 years, borne out by the resident input attached with this application.

The Parish Council are determined that the communal space is protected for residents and the application to register the plots as a village green represents this commitment.

Somerset Council's permission as the landowners for the Parish Council to apply to register the plots as a village green was sought on Monday 6<sup>th</sup> November; this was denied as the land was "not deemed to have met the necessary criteria of a village green". The land was "identified as surplus" which the Parish Council strenuously refute.

### 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:

Friday 16<sup>th</sup> February 2024.

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.

<sup>1</sup> Insert full name (and address if not given in the application form).

I, LISA MONIQUE POOL,<sup>1</sup> solemnly and sincerely declare as follows:—

<sup>2</sup> Delete and adapt as necessary.

1.<sup>2</sup> I am ((the person (~~one of the persons~~) who (has) (have) signed the foregoing application)) ((~~the solicitor to (the applicant) (<sup>3</sup> one of the applicants)~~)).

<sup>3</sup> 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.

<sup>4</sup> Complete only in the case of voluntary registration (strike through if this is not relevant)

*N/A*  
4.<sup>4</sup> 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/



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.

CB  
Declared by the said ~~FRANCES GAIL BARRY~~  
~~BARRY~~ LISA MONLOUE  
POOL  
at 7 Market Place  
WELLS, BAS 2RT  
this 16th day of FEBRUARY  
2024



Signature of Declarant

LP

Before me \*

FRANCES GAIL BARRY

Signature: F.G. Barry

Address: 10 7 MARKET PLACE  
WELLS, BAS 2RT

Qualification: FCILEX LAWYER  
COMMISSIONER FOR OATHS

Chubb Bulleid  
7 Market Place  
Wells  
Somerset BA5 2RT  
Tel:01749 83610

CB

\* 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