

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.

Note 1

*Insert name of
registration
authority.*

1. Registration Authority

To the Leeds City Council



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.

2. Name and address of the applicant

Name: GVVG Residents Association

Full postal address:

<input type="text"/>	Postcode <input type="text"/>
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Telephone number:
(incl. national dialling code)

mob:

Fax number:
(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

<input type="text"/>	Post code <input type="text"/>
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Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

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.

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:

N/A

Location:

Location: National Grid Reference: SE 31223 37042
Land bounded by houses and gardens to the rear of
Gledhow Lane, Gledhow Park Crescent, Gledhow Court
and Gledhow Park Drive.

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:

See attached Maps
Locality: Chapel Allerton, Leeds 7
Neighbourhood: Gledhow Valley

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).

Land Location, description of adjoining properties and access points

National Grid Reference: SE 31223 37042

Land Registry Reference certificate reference: 099/W32SANB

The land which is the subject of this application is situated in Gledhow Valley, an area of the district of Chapel Allerton, in the Leeds 7 postal district. It is bounded to the north by an access footpath to the rear of houses on Gledhow Lane (nos 341-375), and to the south by garden boundaries of houses on Gledhow Park Crescent (nos 14,16,18, 21,19).

The land extends to the west in a narrow strip between these gardens and the Gledhow Lane rear access path, being bounded by garages and their access road from Dominion Avenue at its western limit.

To the east the land widens out and again is bounded by garages and their access road from Gledhow Park Drive which runs to the side and rear of the properties in Gledhow Court. At the south eastern corner the land area again narrows and runs east between this garage access road and the garden boundary of no 27 Gledhow Park Drive. The land is bounded at this extremity by property housing an electricity substation.

A standard search commissioned from Land Registry in 2022 (see appendix, file ref: SIMR form.pdf) indicated that there is no title registered for this area of land.

Summary of Case for Registration

The land which is situated as described above has been continuously accessed as of right for recreational and lawful pastimes by local residents and people from the wider Chapel Allerton area for the qualifying period of 20 years prior to this application, and evidence provided indicates that the land has been continuously accessed as of right for a period of up to 57 years. During this time the land has not been fenced or had access restricted by notices or other means.

It is regularly accessed on foot at several points for recreational purposes and the pursuit of lawful pastimes. These access points are: from west and east directions from the public footpath which runs along the rear of Gledhow Lane houses, or directly from the rear garden and yard areas of these houses, or from gates in the gardens of houses along part of Gledhow Park Crescent, or from the garages access road at the side of Gledhow Court flats which connects to Gledhow Park Drive.

Supporting evidence is provided in the form of signed responses to detailed questionnaires completed by 20 local residents and which attest to the continuous access and use of the land as of right for the qualifying period of twenty years prior to this application. Additional supporting signatures have been obtained from a further 35 local residents and visitors indicating that recreational access and use as of right continues to the present. These signatories also indicate wider support from local residents and the community for this application for registration as a Town and Village Green.

Please see the additional full statement supporting this application which is cross- referenced to the further evidence (maps, photographs land registry documents, etc) provided with this application.

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 under section 15(1).

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

None

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

None

10. Supporting documentation

Maps of locality

Detailed map demarcating the land area which forms the subject of this application.

Land registry title map search and SIMR document showing that the area of land does not have a title registered.

PDF copies of 20 signed detailed evidence questionnaires attesting to the use of the land over a period of more than 20 years, with signed map copies which delineate the area.

.xls file tabulating and summarising the responses of the evidence questionnaires.

Copies of signatories of local residents who currently use the land and support this application.

Photographic evidence of some of the use of the land, community events etc.

Copy of tree protection order documentation.

Note: the supporting documentation listed above can be accessed at:

https://drive.google.com/drive/folders/1Usi1hFeBqlnVjnb2yhqo7GHp2xM5xDr?usp=share_link

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

In June 2022 the new owner of No 14 Gledhow Park Crescent erected a fence extending just under a metre from his adjoining property into the land referenced in this application. The reasons given by the householder were (a) to further prevent nuisance caused by the disposal of garden waste in May 2022 by persons unknown, and (b) to gain vehicular access to the rear of his property via the private access road on the Gledhow Court estate.

There is a possibility that the landowner of no 14 GPC may object to the application for TVG registration, as the application includes the area of around 25 sq m which is currently fenced off by him.

With the support of local councilors and the police, this issue was mitigated through the following actions: The fencing erected was found to be in contravention of local planning regulations in terms of its height and proximity to a tree on which there is a protection order in force. The fence has now been reduced to the maximum planning regulation height of 2m. but has not been removed.

The area was re-cleared and further maintained by volunteer residents and users of the land, and all other perceived nuisances were removed in June-July 2022. This maintenance continues on a regular basis.

The landowner of No 14 GPC was made aware and now understands that the access road is privately owned and that there is no automatic right of vehicular access via this roadway.

The applicants consider and are advised that the 14 GPC landowner would have no legitimate claim of objection to TVG registration, this being based on the facts of the whole area of land having been freely accessed and used as of right for a period of more than twenty years prior to the erection of the fence.

Date:

4 / 9 / 2023

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.

Full statement in support of the application for TVG Registration

The land has been continuously accessed as of right for recreational and lawful pastimes by local residents and people from the wider Chapel Allerton area for a period of circa 57 years. It has not at any point been fenced or had access restricted by notices or other means.

It is regularly accessed on foot at several points for recreational purposes and the pursuit of lawful pastimes. These access points are: from west and east directions from the public footpath which runs along the rear of Gledhow Lane houses, or directly from the rear garden and yard areas of these houses, or from gates in the gardens of houses along part of Gledhow Park Crescent, or from the garages access road at the side of Gledhow Court flats which connects to Gledhow Park Drive.

The regular access and use is attested to by questionnaire evidence from 20 local residents (*see appendix file ref: Evidence Questionnaires*) who have lived in the area over the qualifying period, and at least one of whom who has lived in the Gledhow Lane houses from their construction to 2022. A tabulated summary of the evidence questionnaires is provided (*see appendix file ref: Evidence Qnaire summary.xlsx*)

Of the 20 detailed questionnaire responses, 16/20 have attested to being resident and having known and accessed the land for a period in excess of 20 years.

Of these respondents, the maximum period of residence and having accessed the land is 57 years, and the shortest 7 years.

Two respondents have known and accessed the land over 20 years but have subsequently moved away from the immediate area.

All the respondents are in agreement that the land is situated within the wider Chapel Allerton district (an area which can be defined by having a range of public amenities) and more locally as the Gledhow Valley area of Chapel Allerton.

All respondents agree that there are no public paths crossing the land, but that access can be gained by the routes described above.

They further attest that no one has been stopped from accessing the land, there have never been any fences, gates, stiles or notices intended to prevent access, and that they have accessed the land as of right and without seeking permission.

Average access and use of the land has been on a weekly basis, with some using this more frequently, with some residents whose houses adjoin the land accessing it on a daily basis.

There has been no use of the land by formally constituted organisations (for example scouts, guides or sports clubs) for events or their own activities etc.

The use of the land over this period has broadly remained the same pattern, with respondents and signatories listing the use of the land for activities including children playing informal and organised games, dog walking, bird watching, blackberry picking, community celebrations, walking, gardening and bonfire parties.

(*see appendix file ref: Photographic evidence: EmilySimpson343GledhowLane-31May2019-BirthdayParty.jpg*)

There is photographic evidence included of community events and children playing, including Jubilee celebrations from 1977. (*see appendix file ref: Photographic evidence/BerylBass-party in the community garden 3 - 1977*)

A photographic slide taken c1970 shows the children of Mr [REDACTED] (a resident from 1968-2019) playing on the land immediately adjacent to that property and showing the access path bordering the land to the rear of Gledhow Lane houses. *(see appendix file ref: Photographic evidence/John Healey Children c1970)*

A tabulated summary of the questionnaire evidence gathered from local residents can be found in the supporting evidence included with this application. *(see appendix file ref: Evidence Qnaire summary.xls)*

From approximately 2014 a part of the land has been informally gardened, tidied and litter-picked by a volunteer group of residents. Some self-seeded trees have also been cut back and maintained, an area of grass has been kept mown.

(see appendix file ref: Photographic Evidence/:
CIMG6468.jpg; [REDACTED] - photographic evidence 2015-17.pdf;
IMG3328.HEIC;
IMG 3327.HEIC;
[REDACTED] 2013 garden landscaping work.jpg)

In 2015 a group of local residents successfully applied for a tree protection order on a line of mature trees which border the land area along its southerly edge, forming part of a longer line of tree planting which extends down Gledhow Lane into Gledhow Valley Woods (the land which is the subject of this application borders the Gledhow Valley Conservation area). Following the granting of the tree protection order a resident's group successfully applied to Leeds City Council for community funding to enable planting of shrubs and plants across a part of the land. Local councillors supported this initiative and have further indicated their support for TVG registration application. *(see appendix file ref: TPO notification.pdf)*

In the years following the successful application for tree protection orders on the land in 2015, it has been further observed by neighbours that the land and tree canopy forms part of a significant wildlife corridor from local garden, open and park areas, and which connects with the Gledhow Valley woods and conservation area.

In June 2019 the planted area of the land was included and advertised as a part of the Chapel Allerton Open Gardens event, which formed part of the lead up to the annual Chapel Allerton Festival activities. It is estimated that there were approximately 120 visitors to the planted area on the land who came from the wider Chapel Allerton area over the course of the event. *(see appendix file ref: Photographic Evidence/Chapel A Open Gardens Map 2019)*

Financial and other support for local community initiatives have been received in relation to gardening and sustainable small scale fruit and vegetable food production, and part of the land area has been planted and cultivated for this purpose by neighbourhood residents since 2015. *(see appendix file ref: Photographic Evidence/; Joanna Haslam – photographic evidence 2015-17.pdf;)*

The 'lockdown' periods of the 2020 Covid pandemic saw a much increased usage and access of the land by a wider range of local residents. As an accessible open space it permitted recreation, exercise, safer social interaction with neighbours and respondents have referred to this as providing a major contribution to general health and well-being for residents in the immediate neighbourhood. There are a number of elderly local residents as well as children and people with disabilities who were able to make increased use of the land as an

easily accessible and safe social space. In turn this increased usage and awareness of the land area has engendered additional impetus and wider general support for this application.

In addition to the 20 detailed questionnaire responses from local residents and former residents, we have in the appended evidence 35 signatures from local residents and visitors who have used the land and who have also indicated support for an application for TVG registration. (see appendix file ref: Supporting signatures(1).pdf, Supporting Signatures(2).jpg)

There are a total of 42 signatories from the immediate local neighbourhood surrounding the land indicating support for a TVG registration application.

Historical information

It is recognised that some of the information provided below concerns years prior to 2002, and as such pre-dates the qualifying continuous period of access and use 'as of right' which a TVG registration application must demonstrate. However the following information is included here as the applicants consider it to be a relevant aspect of both the historical context in which the area of land has been demarcated and is now identified, and of the continued use and access of the land over an extended period of at least fifty years.

Records indicate that the wider area formed part of the estate of [REDACTED] of the former Hawkhill estate. Land was sold in parcels in the early and mid part of C 20th with the housing estate which includes Gledhow Park Crescent and Gledhow Park Drive being built c1933. In c1960 the land between this housing estate and Gledhow Lane (and including the area which is the subject of this TVG application) was sold to [REDACTED] property developers, with the Gledhow Lane houses (nos 341-375) being built and sold c.1966-70. This property development company has now ceased trading and the owner retired. At around this time (c1970) another developer built the flats and garages known as Gledhow Court on the eastern side of the land area.

It is these various and successive property developments which have left the parcel of land with only foot access and demarcated by garden boundaries, garages and their access roads, and a shared right of way footpath to the rear of Gledhow Lane.

It has been ascertained from [REDACTED] (former property developer) that at some point post 1970 their company sold the land in question to another person, but he does not recall who purchased the land. Anecdotal evidence from long-term residents indicate that at some point c1980 a planning application for a dwelling on the land was refused following local objections, and on the basis that the land had no suitable road or drainage access.

The garages and access road (side and rear of Gledhow Court) which border part of this land are owned or rented by householders on Gledhow Lane and Gledhow Court flats, those on the eastern side of the access road being held by Gledhow Lane householders and those on the western side and to the rear of Gledhow Court being held by Gledhow Court residents. Searches of title deeds and covenants thereon for Gledhow Lane households indicate that there is shared access across and joint maintenance responsibility for the access road (with the boundary line of the Gledhow Court title running down the centre line of the access road) and allowing access to the garages only.

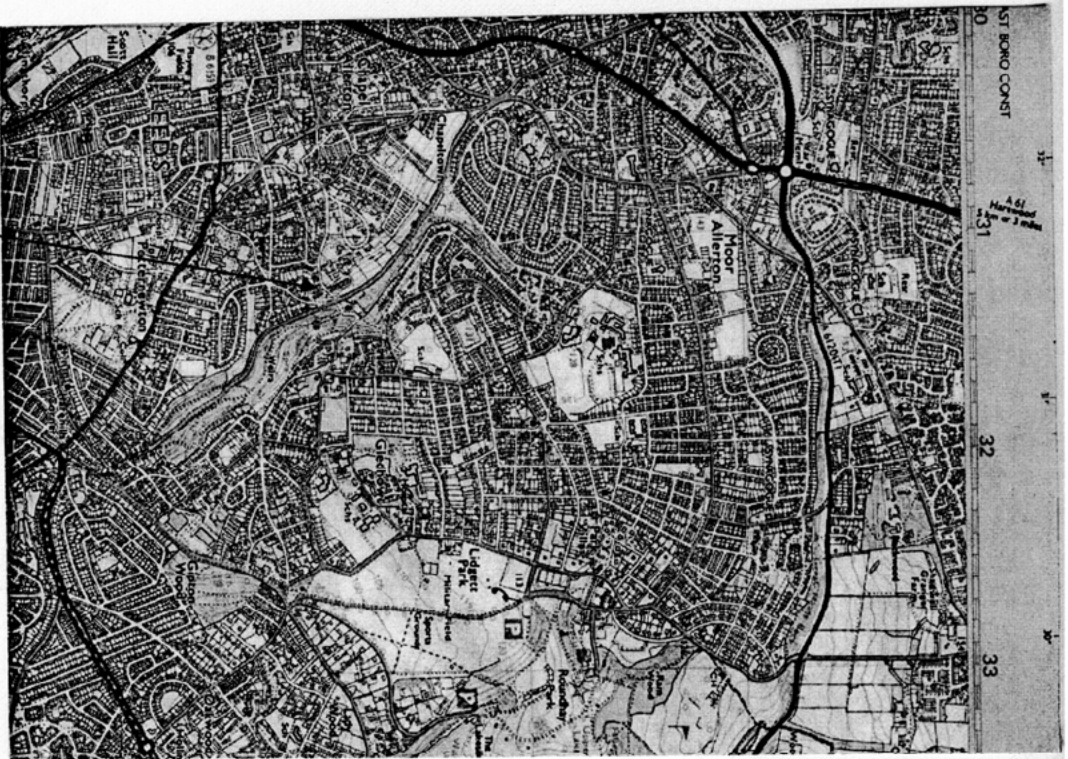
It is the area of land whose location and situation is described above which is the subject of this application for its registration as an area of town and village green.



Map area bounded by: 431114,436922 431314,437122. Produced on 10 August 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4b/836301/1130136

THIS IS THE EXHIBIT MAP REFERRED TO IN APPLICATION
OF [REDACTED]

[Signature] SOLICITOR



Map B: Area Map of North Leeds 1:25000 showing Chapel Allerton and location of proposed Town and Village Green



Map C: Area Map of Chapel Allerton 1:253000 (4 miles to 1 inch) showing location of proposed Town and Village Green in lower r/h corner of square 1A.

THIS IS THE EXHIBIT MAP OF LOCALITY
REFERRED TO IN THE APPLICATION OF

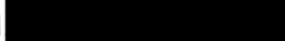
p10 of 1

Paul Solicitor

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  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) (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

[Redacted]

at

[Redacted]

this

4th

day of

SEPTEMBER
2023

[Redacted]
Signature of Declarant

Before me *

Signature:

[Handwritten Signature]

Address:

ASCENT LEGAL
1 ST PETER'S SQUARE
MANCHESTER M2 3AF

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
