

IN THE MATTER OF
AN APPLICATION TO REGISTER LAND AT
STOKE LODGE PARKLAND AS
A TOWN OR VILLAGE GREEN
UNDER SECTION 15 OF THE COMMONS ACT 2006

BETWEEN:

MR D MAYER – APPLICANT

AND

BRISTOL CITY COUNCIL & ORS – OBJECTORS

Statement of: - SUSAN JANE MAYER
(BLOCK CAPITALS)

My Name is: - Mrs Susan Jane Mayer

My Address is: - Brockfields,
68A, Coombe Lane
Bristol BS9 2AY

My occupation is: - Retired

I will say as follows: -

1. Please refer to my Questionnaire attached and dated: - 26th January, 2011
+ letter
2. Please refer also to my Statement attached and dated: - 18th January, 2012
* 30th March, 2016

I believe that the facts stated in these statements are true.

Signed

S. J. Mayer (Mrs)

Dated

14th March 2016

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Witness Statement in support of Town Green Application for Stoke Lodge Parkland

My name is: Susan Jane Mayer

Address: Brockfields 68a, Coombe Lane, BS 9 2AY

Occupation: Retired

As a local resident of more than twenty-five years, I have grown to appreciate the benefits of living within a community that has access to green open space within safe and comfortable walking distance of home.

Sadly, Stoke Lodge Parkland is now under threat but not because of any miss-use by local inhabitants or any intimidation/threats to sports users of the Parkland.

It is now apparent that the City Council wishes to exclude the local residents merely to protect the future development potential of the Parkland, House and Grounds.

There has been much said about the Avon signs within this Parkland as well as a more recent addition within the Grounds of the old Manor House.

Firstly, the rusting Avon signs, erected sometime in the 1980's, do not appear to deny access merely warns of unacceptable behaviour within the grounds.

Fundamentally, local residents appear to have recognised that they had acquired prescriptive rights to use the Parkland over preceding years (from early 1950's) and considered the signs to be irrelevant and of no consequence.

We continue to use the Parkland to this day, openly and totally free of any regulations (attachment (A)). To my certain knowledge, no one has ever been prosecuted for trespass in the six decades of Parkland use by local residents.

I was completely unaware of any Sign near to the Parry's Lane entrance before the 2010 BCC Briefing Note and for good reason (see attachment (B)) because it was, for the most part, obscured by trees and bushes that shielded it from general view.

The small sign near the house was not installed before mid 2009 and I have evidence that the sign has been rotated on numerous occasions since then; therefore, its initial position cannot be accurately confirmed.

A photograph taken in March 2011 (attachment C) shows the sign was facing in one of two possible directions but not facing the house as was the case during the Inspectors visit in February 2013. It has been reoriented several times since then and is now facing Shirehampton Road (attachment D), March 2016.

Nonetheless, the language/wording is ambiguous in that it refers to 'Grounds', widely recognised to refer to the land/surroundings of a Grand House, as opposed to the wording 'Private Playing Fields', used on neighbouring BCC Sites with signs of a similar age to the disputed sign.

Cotham Grammar School moved from their Kellaway Avenue Site circa 2002; a modern, fenced and level site in close proximity to the school, to a distant site (Stoke Lodge) with open boundaries and poor changing room facilities that would require substantial funding to refurbish?

Rarely used by Cotham Grammar School, the Parkland has continued to be used by local clubs and Residents on a daily basis, with no official objection from the School prior to the T/VG in 2011. There are no signs identifying the Parkland as Cotham Sports Ground, no additional security fencing or any other attempt to keep the public off the site - that is until the now infamous Briefing Note issued for Consultation via The Neighbourhood Partnership in the spring of 2010.

The School now claims the site is unsafe for pupils, suggesting dangerous dogs may attack as well as the threat of Paedophiles on an unfenced site. Surely, these issues should have been resolved before they relocated to the Parkland and should have taken priority if it was a genuine concern.

The School uses neighbouring Coombe Dingle Sports Centre on a regular basis; the gates in Coombe lane and the unmade-up part of Red House Lane are open from early morning until 10.30pm and beyond daily and the public are free to come and go as they please. The Red house lane way leads to Canford Cemetery via a secluded footpath that is used by residents as a short cut to Westbury Village.

My house overlooks Coombe Dingle Sports Centre and I have witnessed groups of Cotham Children wandering about unsupervised whenever they visit the site. These sites are just a two minutes walk from each other but neither have a policy of restricting access during the day.

For whatever reason BCC and Cotham failed to implement any measures that would have prevented public access to the Parkland over many years, allowing prescriptive user rights to be established on the Parkland that are credibly protected by the 2006 Act.

Signature:

S J Mayer (Mrs)

Dated:

30/3/2016

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Attach
(A)

Stoke Lodge
Parkland



2015



Attach(B)



Attach(C)

2011



Attach(d)

2016

For the attention of,
The Chairman, Save Stoke Lodge Parkland

Re Stoke Lodge Town Green Application

My home is less than 300 yards from Stoke Lodge Parkland, Stoke Bishop and I have been a resident at this address for more than twenty years. During this time, I have witnessed the daily use of the Parkland by locals for informal recreation as well as organised sport. I have become an informal user of the grounds myself in recent years entering at various points including Cheyne Road that has logs placed across an open gateway to restrict vehicles but with a designated footway to allow unfettered pedestrian access to the grounds. I have also used the small gateway off Shirehampton Road as well as the West Dene entrance through another open gateway adjacent to the changing rooms.

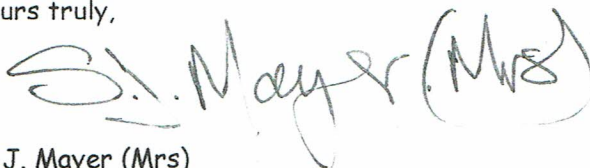
I was not aware of any objection or intended prohibition prior to the April 2010 briefing note that highlighted the need to exclude residents from the grounds for BCC to retain 'future development' potential. Indeed the signage inside the West Dene entranceway was obscured by trees/shrubs until fairly recently making it impossible to identify or read; however, efforts have now been made to clear some the overgrowth at this entrance as well as other areas within the Parkland. The only other sign that I have observed is within the Adult Learning Centre car park (a very recent addition) but originally positioned in such a way as to imply that it referred to the gardens surrounding Stoke Lodge House, not the Parkland; it should be noted that following the TGA highlighting this anomaly, the sign has been repositioned. However, the signs on the Parkland are not at the boundary which I believe to be a necessary requirement for any enforcement; equally, the wording on the older signs, erected in the 1980's do not prohibit all access and contain woolly unintelligible statements referring to potential trespass and possible prosecution.

After more than sixty years of "unfettered access" (as described in the April 2010 briefing note) to this open parkland, acknowledged as vital green space for local residents on numerous occasions in official BCC papers, Stoke Bishop Residents have rightfully established their claim to this area as a Village Green, albeit in name only until now. There is additional corroborative evidence of this assertion, in a judgement by Lord Kerr, concerning a similar case. Quote ".....if confronted by such use over a period of twenty years, it is ipso facto reasonable to expect an owner to resist or restrict the use of he wishes to avoid the possibility of registration"); together with similar judgements by Lord Brown and others.

In closing, I can confirm that I have:-

- A: Never used physical force to gain access to the Grounds
- B: Never, considered that the signs denied free and open public access
- C: Never sought permission to use/enter the Parkland
- D: Never had my use/presence on the land objected to by anyone.

Yours truly,



S. J. Mayer (Mrs)

Witness Statement in Support of Town Green Application for Stoke Lodge Parkland

Susan Jane Mayer

Brockfields
68a, Coombe Lane
Bristol
BS9 2AY

Housewife/Grandmother

Statement.

I have lived at the above address for more than twenty years having relocated from Kent in August 1990. In the early years I would often take my son to neighbouring city parks that provided children's play equipment, I was fortunate to have access to a car because these play areas lie beyond the walking limits of small children living in Stoke Bishop.

Later, when our dog arrived, we would often take long strolls through Coombe Dingle and up to Blaise along the woodland path that follows the River Hazel/Trym, as well as daily walks across the Downs on the way to school. Nonetheless, I have never walked my dog on Stoke Lodge Parkland.

Over the years, I have attended various meetings on local issues as well as foreign language classes at Stoke Lodge House; I walked to many of these meetings across the field from West Dene or via a friend's garden at the Cheyne Road end of the Parkland.

Some classes, notably Art and Yoga, regularly spill out onto the grounds, particularly during summer months, to take full advantage of the spectacular landscape and peaceful character of the grounds.

The Parkland has been utilised for both formal and informal sport for almost one hundred years; the Butlin Sisters (owner's pre 1947) would allow local children to play there unfettered and took particular delight in regular cricket matches between local teams but this was before my time in Bristol.

In recent years I have used the parkland for picnics, kite-flying and ball games, usually with my young Grand Daughter; during this time I have also witnessed, people walking their dogs, jogging/strolling around the perimeter or simply sitting 'on the logs' to catch the sun.

There is a continuous flow of visitors to the parkland on a daily basis, from early morning, to dusk and beyond and a much-favoured place for local youngsters to have an informal kick about after school.

These diverse traditions, painstakingly documented in a weeklong survey conducted by residents together with a protest picnic-in-the-park (attracting local press and one hundred and fifty locals, August 2010), epitomise opposition to the threatened loss of this treasured parkland; notably, both highly publicized events progressed without comment from BCC or the Grounds men.

I can certainly identify with the community regard for this tranquil open space particularly for those with very young families, the elderly and infirm who rely on this Parkland for moderate exercise and the opportunity to socialise. Equally as the realities of senior life become more apparent to me, the option of local parkland within comfortable walking distance is an increasing priority, particularly now that alternative woodland walks have become unsafe for lone walkers, particularly female (police advice) and all previously Open Green Space in Stoke Bishop is built on.

I believe that the facts stated in this witness statement are true.

Signature

S J. Mayer. (Mrs)

Date26th January 2011.....

Stoke Lodge Parkland

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Picnic in the Parkland
2010



150 Picnic in the Parkland
August 2010



Save Stoke Lodge Protesters 2010



Clifton High School Sports Day
July 2010 Car Park
Stoke Lodge.



Athletics 2010



Save Stoke Lodge Parkland - Application for Town Green Registration – Evidence Questionnaire	
	NAME of Witness <u>Susan Jane Mayer</u> Print
1	Your address when you used the land being claimed as "Town Green" and edged in red on Map "A"? Brockfields 68a Coombe Lane Bristol BS9 2AY
2	Your address when you knew the land edged in red on Map "A" was being used by the local inhabitants? If different from 1 above? N/A
3	Did you sign the map "A" attached to confirm your understanding of the extent of The Land being claimed? As "Town Green" edged in Red? And relates to the evidence yes
4	Confirm your agreement that the Locality or Neighbourhood is the Political Ward of Stoke Bishop plus parts of Westbury on Trym, Sea Mills and Coombe Dingle. Map "B" yes (confirm)
5	Please confirm that you have marked the location of your house on Map "B" with an X. yes
6	By what name, if any, is The Land edged in red on Map "A" known? Stoke Lodge
7	Has the land, referred to in question 6, ever been known by any other name? If so what? N/A
8	For how many years have you known about the Land edged in red on Map "A"? 20 yrs
9	Between which years did you use the Land edged in red on Map "A"? approx 1998 – classes, house approx x 2005 – to date, grounds Area
10	Do you consider yourself to be a local inhabitant in respect of the Land edged in red on Map "A"? yes
11	During the time you have used the Land edged in red on Map "A", has the general pattern of use remained basically the same? Increased use at weekends since 2005?

12	What recognisable facilities are available to the local inhabitants of your locality? Please tick all boxes that apply and add any other additional matters not covered				
	Local infants school	✓	Community centre	✓	Community activities
	Local junior school	✓	Sports facility	✓ (Private)	A central feature ✓ Stake Lodge
	Local secondary school	—	Swimming pool	—	Scout hut ✓
	Residents association	✓	Library	—	other
	Neighbourhood watch	✓	Alt green space within easy walking	—	other
	Neighbourhood Partnership	✓	Area police	—	other
	Local place of worship	✓	Doctors surgery	✓	other
13	To your knowledge are there any public paths crossing the Land edged in red on Map "A"?				
14	How do you gain access to the Land edged in red on Map "A"?				
15	How do you travel to and from the Land edged in red on Map "A"?				
16	Why do you go on to the Land edged in red on Map "A"?				
17	How often do/did you use the Land edged in red on Map "A"?				
	(apart from use of any public paths on the Land)				
18	What activities do/did you take part in on the Land edged red on Map "A"?				
19	Does your immediate family use the Land edged in red on Map "A"?				
20	If so, for what?				
21	Do you know of any community activities that take place or have taken place on the Land edged in red on Map "A"?				
22	If so please list them and state when and for how long they have taken place?				
23	Do/did you participate in any of them?				

NO, but rumours abound.

Cheyne Rd, main gates (classes)
also off West Dene

walk

exercise, play

mostly summer months

Picnic, flying kites, play


N/A

—

Fetes run by local Church, ^{east} book sales
local Childrens Parties/teen parties
Fetes/carbook sales ~ discontinued
Parties etc unspecified

no

24	Do any organisations use the Land edged in red on Map "A" for sports or pastimes? If so, please specify.	Football, cricket Adult hearing classes			
25	Do any seasonal activities take place on the Land edged in red on Map "A"	Local Primary Schools Summer Sports, dayst football/cricket track events			
26	Please tick all the activities that you have seen taking place on the Land edged in red on Map "A"				
	Children playing <input checked="" type="checkbox"/>	Fetes	Bonfire parties <input checked="" type="checkbox"/>		
	Rounders <input checked="" type="checkbox"/>	Football <input checked="" type="checkbox"/>	Bicycle riding		
	Drawing and painting <input checked="" type="checkbox"/>	Rugby	Carol singing		
	Dog Walking <input checked="" type="checkbox"/>	Cricket <input checked="" type="checkbox"/>	other		
	Team Games (Formal) <input checked="" type="checkbox"/>	Bird watching	other		
	Team Games (informal) <input checked="" type="checkbox"/>	Picnicking <input checked="" type="checkbox"/>	other		
	Picking blackberries <input checked="" type="checkbox"/>	Kite flying <input checked="" type="checkbox"/>	other		
	Community celebrations <input checked="" type="checkbox"/>	People walking <input checked="" type="checkbox"/>	other		
27	Do you know the name of the owner of the Land edged in red on Map "A"? And if so please state.	B C C			
28	Do you know the name of the occupier of the Land edged in red on Map "A"? And if so please state.	Cotnam Grammar School / Bristol University			
29	Has the owner or occupier seen you on the Land edged in red on Map "A"?	not known			
30	What did they say? If anything?	N/A			
31	Was permission ever sought by you for activities on the Land edged in red on Map "A"?	No			
32	If so, from whom and when?	N/A			
33	Did anyone ever give you permission to go onto the Land edged in red on Map "A"?	No			
34	If yes, when and for what reason?	N/A			
35	Have you ever been prevented from using the Land edged in red on Map "A"?	No			

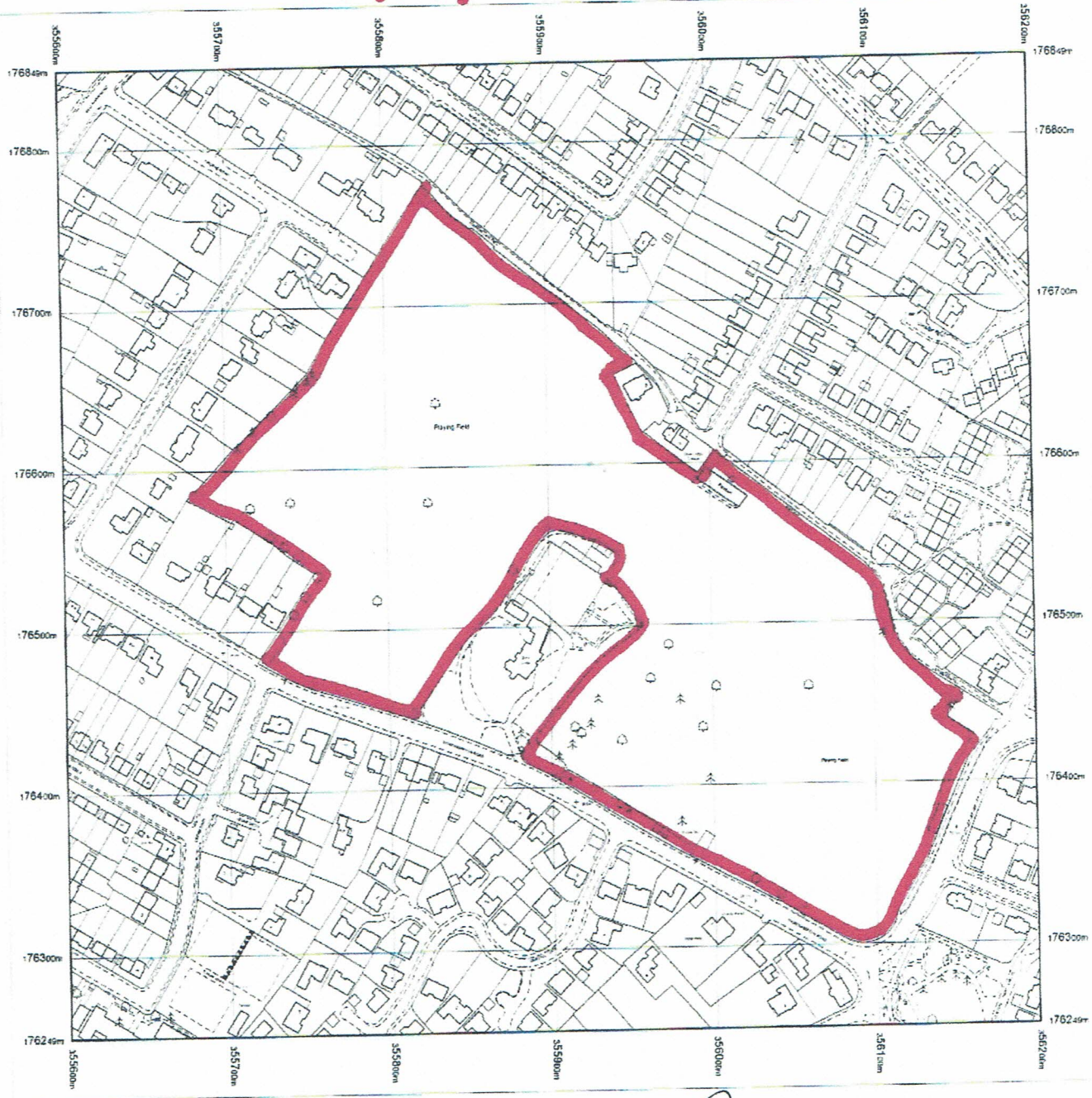
36	If yes, when and for what reason?	N/A
37	Has any attempt been made by any means to prevent or discourage the use being made of the Land edged in red on Map "A" by local inhabitants?	Not that I am aware of.
38	If yes, give examples and dates	N/A
39	Are you aware of any signs or notices restricting access to the Land edged in red on Map "A" by local inhabitants?	yes
40	Do you have any photographs or any other evidence of use of the Land edged in red on Map "A" by local inhabitants?	yes
41	Are you willing to allow us to copy them for use as part of our application?	yes
42	If you have additional information please attach a separate statement? (witness statement etc)	see statement
43	If you have knowledge of others who may be in a position to complete an evidence form, would you please write their names and addresses upon the reverse of this form.	
44	I have carried on the activities referred to in this questionnaire, on the Land edged in red on Map "A", for 5+ years without anybody trying to stop me and I believe the activity should be treated by the law as having a lawful origin.	
45	I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.	
46	I also understand that this evidence may be presented at a non-statutory inquiry and I authorise the applicant to use this form for that purpose.	
47	Signed	
48	Name	Susan Jane Mayer.
49	Date	26 th January 2011

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OS Sitemap®

MAP 'A'



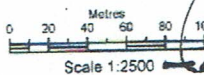
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

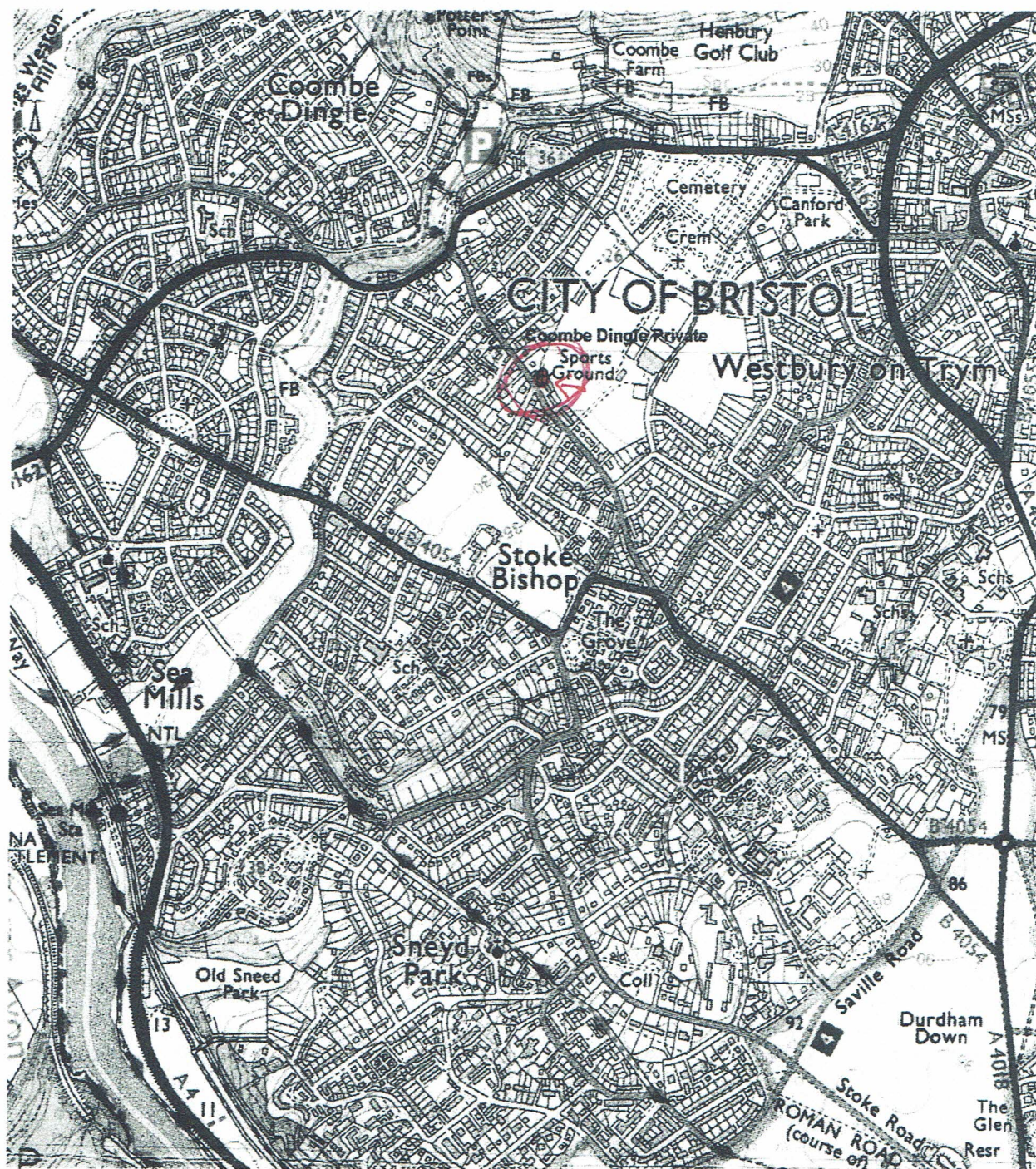


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Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

May 8
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Map "B" of locality surrounding Stoke Lodge Parkland



0 100 200 300 400 500



Meters