

IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT STOKE LODGE AS A NEW TOWN OR VILLAGE GREEN UNDER SECTION 15 (2) OF THE COMMONS ACT 2006

MR MEYER – APPLICANT

AND

BRISTOL CITY COUNCIL – OBJECTOR

I, Susan Comer of Bristol City Council, College Green, Bristol BS99 7PH will say as follows:

1. I am employed by Bristol City Council as an Estates Information Officer in the Property Team which is part of the Council's 'Place' Directorate. I make this statement in connection with the objection made by Bristol City Council in its capacity as the freeholder of Stoke Lodge Playing Fields ('the playing fields') of the application to register this site as a Town or Village Green.
2. I began working for Bristol City Council in July 2000 as a Property Database Officer in support of the Property Department which manages a considerable portfolio of land and buildings in the city of Bristol. Part of my work includes investigating the history of the Council's ownership and statutory use of pieces of land which are the subject of an application to register the land as Town or Village Green.
3. In 2011 following an application by David Meyer to register the playing fields as a Town or Village Green, I was asked by my line manager to look into the history of, and confirm the statutory use, of the Stoke Lodge Playing Fields. Although the computerised database used by the Property Team provides details of the current management arrangements for all land owned by the Council, it does not necessarily provide a complete history of the 'statutory use' of any particular piece of land. Additionally conveyancing deeds and documents do not always reveal the purpose for which a particular piece of land has been purchased.

I therefore researched a number of sources including the minutes of Committee meetings for both Bristol City Council and Avon County Council, historic property files, conveyancing documents, record cards and historic plans. I then produced a report of my findings which was sent to Legal Services on behalf of the Corporate Property Team.

Information from CYPS with reference to the sign situated to the east of the Adult Learning Centre

4. In his Further Directions dated 30th January 2014, at paragraph 13 Philip Petchey remarks that:-

If this was intended to apply to the application site, it would appear that at the time it was put up, the Council did not wish local people to use the application site. It may or may not be the case that the sign was effective to make use contentious, but even if it were not it would seem that, if intended to refer to the application site, it must have brought any implied licence to an end.

With reference to the sign situated to the east of the Adult Learning Centre, I attach the following:-

- i) Copy email dated 26th March 2009 which refers to the commissioning of a No Trespassing sign for the land at Stoke Lodge – see ‘*Exhibit SC.1*’.
- ii) Copy letters dated 16th July 2009 and 2nd September 2009 respectively – these indicate that the sign referred to in paragraph i) above had been erected sometime prior to 16th July 2009 when Mrs Randall wrote to the Council – see ‘*Exhibit SC.2*’ and ‘*Exhibit SC.3*’.
- iii) Copy email dated 15th August 2012 – this correspondence refers to the visit I made to the site on 10th October 2011 (see details below) – see ‘*Exhibit SC.4*’.

Visit to site

5. Although I had driven past the playing fields on a number of occasions, I did not know the area well and once I had started to research the history of the land, I decided that it would be useful to make a visit to the site. My intention was to get a general impression of the playing fields so that I could relate what was on the ground to my investigations into the history of the land rather than look out for any particular aspect such as signs or access points.

6. A colleague had mentioned that an officer in the Parks Department called Tony Havens was familiar with the playing fields and so I arranged to meet Tony at the playing fields on 10th October 2011. I met up with Tony in the car park situated to the left of Stoke Lodge House as you enter via the main gates. Near to where I parked my car, which was in the parking area to the east of the house known as Stoke Lodge, I noticed a sign situated on the grass but with the front of the sign facing the car park and house – this is the sign marked with a blue shaded circle and referred to as the ‘Bristol CC Sign’ on the attached plan entitled ‘Stoke Lodge 5’ – see ‘*Exhibit SC.5*’. I asked Tony when the sign was put up and he said that it was erected approximately five years ago. I recognise this sign as the one described by Bob Hoskins in paragraph 4. of his statement dated 25th October 2013 as the ‘*later Bristol City Council sign*’.

Tony then mentioned that there were two older signs located in other parts of the playing fields dating from (he thought) the mid 1980’s and put up during the time that the Education Committee (then part of Avon County Council) managed the playing fields.

7. Tony then left and I set off to walk around the playing fields heading left from the car park and across the playing fields so that I was walking around the edge of the field in a clockwise direction. As I was walking, I noticed that some of the houses, whose gardens backed onto the playing fields, had gates to allow direct access onto the playing fields. Along the north western boundary to the playing fields, I noticed a gap in the hedge with a wooden post in the middle of it – the land on the other side of the gap being the end of a cul-de-sac known as Cheyne Walk.

I then continued along the northern eastern boundary of the playing fields until I reached the Pavilion. One of the Avon County Council signs had been erected near to the Pavilion – see the green shaded circle next to the Pavilion on plan ref. ‘Stoke Lodge 5’ attached.

I then continued walking along the northern boundary until I reached the north eastern corner of the playing fields where the gas governor is situated and where there is another Avon County Council sign – again see plan ref. 'Stoke Lodge 5'.

Finally I returned to my car crossing the playing fields and walking through the wooded area to reach the driveway to the house and then the car park.

Signed S.M. Carr

Date 20/1/2015

Lynne Harvey

From: Shaun Burns <shaun.burns@bristol.gov.uk>
Sent: 26 March 2009 17:20
To: Tony Havens
Subject: No Trespassing signs
Attachments: NT 01-Stoke Lodge.pdf; NT 02-Bishop Road.pdf

Hello Tony

Please find attached proposals for two of the No Trespassing signs you commissioned. I've sent relevant visuals to Ashton Park School and am awaiting approval; I will send those to you once they're given the OK. Also Gays Elms School Office for Alison Findlay; and Ridingleaze House for Pauline Warner (which will complete the major CYPs project). As soon as i have approval for all proposals, I'll obtain estimates and let you have the figures.

Kind regards
Shaun

9/7/71

47, Sea Mills Lane,
Stoke Bishop

To Dept Planning &
Local Taxation

Bristol
BS9 0R

Re Stoke Lodge Adult

16-7-09.

Education Centre + Leisure Facility.

I would like permission to

walk in the grounds of Stoke Lodge
which is a pleasant & open space
for someone of my age (70) + healthy
leisure I do not have a dog. It

seems very strange that such

strolling + enjoying nature + the

views, with access to the footpath

is now deemed trespassing. Please

would you be kind enough to

enlighten me on this ruling?

Thanks

Wynne Randall (H)

P.D.

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Exhibit SC. 2



Mrs L Randall
49 Sea Mills Lane
Stoke Bishop
Bristol BS9 1DR

Reply to	Liz Peddle
Telephone	0117 3525275
Minicom	
Fax	0117 9224405
E-mail	Liz.peddle@bristol.gov.uk
Our ref	mrs l randall - 02-09-09 - liz peddle
Your ref	
Date	2 September, 2009

Dear Mrs Randall

Re: Stoke Lodge Playing Fields

Thank you for your letter dated 16 July, 2009 addressed to Planning and Local Taxation Departments which has been forwarded to me for a response.

It is common practice for the Council to erect signage on land owned by them. The wording used is standard for sites and is designed to inform the public who owns the land and their rights in respect of the land. In this instance the Council believe there is no need to issue a licence to you for the use of the land at Stoke Lodge. However, you should note that the use of the land by the public is permissive, and this can be terminated at any time.

If you require any further information in relation to this issue please do not hesitate to contact me.

Yours sincerely

Liz Peddle

Liz Peddle
Asset Manager

Children & Young People's Services

Inclusive & Learning Communities
PO Box 57, The Council House,
College Green, Bristol BS99 7EB

Liz Peddle
Asset Manager
Capital Assets & Access

Website
www.bristol.gov.uk

Lynne Harvey

From: Tony Havens
Sent: 15 August 2012 20:54
To: Liz Peddle; Susan Comer
Subject: Re: Stoke lodge pic

The sign was put up to stamp our ownership. Funded from money made available by Mick to standardise property transferred to cyps.

Wording for sign as per advise from barrister representing us with Packers.

-----Original Message-----

From: Susan Comer
To: Liz Peddle <elizabeth.peddle@bristol.gov.uk>
Cc: Tony Havens <tony.havens@bristol.gov.uk>

Sent: 13/08/2012 10:06:11
Subject: Re: Stoke lodge pic

Liz,

Yes, the sign to the left of the house was there last year when I visited the playing fields. Tony Havens advised that it was put up 5 - 6 years ago. I attach a copy of my plan showing the position of the signs.

Sue

>>> Liz Peddle 09/08/2012 08:52 >>>




Here is a picture of a sign at Stoke Lodge - to the left of the house. It looks new but surely can't be - the wording refers to "Property & Local Taxation". Can you advise whether it was there when you investigated when we received the Town & Village Green Application.

Thanks
Liz

Exhibit SC.5

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Stoke Lodge Playing Fields TVG Application

-  TVG Application Land
-  Avon CC Sign
(approximate position)
-  Bristol CC Sign
(approximate position)

SITE PLAN : To ensure boundary accuracy, please refer to deeds.
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Ordnance Survey 100023406.



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CORPORATE PROPERTY

Plan No : Stoke Lodge 5
Prop ID Ref : n/a
Polygon Ref : n/a
Scale : 1:3,000
Date : 11th Oct 2011



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