

From Richard Pont, Wood Cottage, Pudsey Road, Todmorden OL14 8NS

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21st March 2010

Dear Jeannine Houshmand, Peter Slomsky and Zara Pedelty

I write in response to your letter informing me of an Application for a Registration of the land at Oakville Road as a village green, as owner of the land in question.

I do have objections to make regarding this application and do not wish the land to be registered as a village green.

- There is a good reason why the application should be dismissed. The claimed area of land used for sports and pastimes is much bigger than the space which has been actually used for recreation.
- There is also a technical flaw in this proposal. The proposed catchment area is around 120 houses, according to the map provided to me by Mr Kratz. It is evident that less than 25 houses actually use parts of this land, and 120 houses is too big a catchment area. I would like to ask that this application be dismissed due to the catchment area not representing the actual number of people who use the land for recreation.

There are facts which can be taken into account.

A part of the land in front of some of the houses on Oakville Road has been used by the local community for many years, for an annual bonfire, summer event, picnics, children kicking a ball about. There is also an area of a tree where small children can climb and have a swing.

This area is demarked on the air view maps provided outlined in beige.

This area is the only area from the 2.2 acres that can be said to have been used significantly by the local community in any way over the last 20 years for sports and pastimes.

Another use of the land in this area was four individual households of Oakville Road made small gardens across the road from their houses, outlined on the detail map with pale blue.

- John and Angela Sutcliffe of number 9, Oakville Road rented their garden for 40 years from the former owner of the land, British Rail [ enclosed is a copy of their rental agreement], and had permission from the owner to occupy 100 square metres of land in the area between two of the entrances to the land from Oakville Road. They put up four washing line posts and a garden bench, and made a lawn area which extends also beyond their rented plot.

- The Sutcliffe's permitted free access to their garden and passage through the entrances to the land to the locals of the area, being good neighbours. They did not put up a fence or a gate.
- Joe, from number 3 Oakville Road, occupied and made a garden many years ago across the road from his house, with plants, washing line posts and a stone path. He also permitted free access down his path to locals, not putting up fence or gate. Since he has died about 3 years ago, his garden has become overgrown with nettles, and it has not been used for anyone's sports or pastimes.
- Claire Blakey of number 5 Oakville Road tended a small garden opposite her house next to Joe's garden, planting flowers and two washing line posts for her family's use.
- Louise Woollet and Chris Snow of number 10 Oakville Road made a flower garden out of a disused bank of brambles, nettles and rubble adjoining John and Angela's garden, complete with washing line posts and bench, about 6 or 7 years ago, primarily for their families use. However they also permitted access to their neighbours.

The land which is said in the village green application to have been tended by the neighbourhood in the last 20 years, has in fact been tended by the handful of people named above, who have been having gardens on the land and hanging up their washing there.

British Rail declined to rent out any more plots after the Sutcliffe's, although asked to do so many times by different residents, saying that the rental income wasn't worth the cost of the legal paperwork involved. That's why three of the gardens were occupied informally.

I think it is likely that the former owner British Rail had always informally permitted locals to use the land appropriately, for walking the dog, children playing, gardening and annual bonfire, although it is difficult to ask the railway authorities of decades ago the facts, and nobody here today may know the truth. The houses on Oakville road were also owned by the railway in former times.

Certainly they knew and permitted children coming on their land to play in more recent history, and built a high strong fence around a deep goit or pothole on the land in response to requests from local residents to keep them safe. [I heard it was built about 10 years ago]

Oakville Residents Association has included in the claimed village green area parts of the land which have had no significant or consistent use over 20 years for the sports and pastimes described. These areas are included in the application not because anyone is using them for recreation, they are not, but because some people seek to prevent anyone from ever using them again, in any way. Their idea is to fossilise the land.



A very vocal minority of four or five people in the Oakville Residents Association even opposes inaccessible areas of weeds and rubble on the land being cleared and flowers planted, showing strong disapproval to their gardener neighbours. They contribute nothing to the maintenance of the land themselves, yet at a recent meeting they actually voted to ban gardening and smoking in the garden, oddly believing themselves to be the owners of the land.

Parts of the land are thick with brambles, nettles and bindweed, and are inaccessible. No-one has walked or sat having picnics on some areas for years or decades, it simply has not been possible. Just being able to see a piece of land as part of the scenery, does not mean it qualifies to be a village green.

One such area is next to the garden that Joe occupied. Last year I spent some time digging up the huge bramble rootboles and thick nettle roots, they have been there more than 10 or 20 years. I also picked up a generations worth of broken glass bottles, plastic bottles, rubble and rubbish that had been on the ground underneath the weeds. I did this as I wanted to bring it back into use as a garden. I have heard this area was last used for keeping pigs.

The use for sports and pastimes the western wooded area by Stoney Lane has been having in the last 20 years is easy to see. Someone walks down the track through the woods once in a while. Sometimes they have a dog and the dog goes to the toilet there.

I have heard the foot track was used for mountain bike riding, around 10 years ago, however I have not seen any evidence of this in the last two years.

Just being permitted to walk down a woodland track does not mean that the surrounding woods are having significant use as a village green- they are not. Nobody has been doing anything there for 20 years, as is evident from all the around 20 year old birch trees that have grown up. The woods are empty and unused other than occasionally the foot track.

All the large woods surrounding this small area of wood are also unfenced, with woodland tracks, and once in a while children playing, once in a while someone walking their dog. There is no shortage of such facilities in this area as you can see by the air view map. The present owner has no plans to prevent children, dogs or others using the track.

The last known use of the western woods was as little workshops and animal pens. A village green status would effectively prevent for future generations any such use again, or any other future use. The character of the area is already well protected by local planning law.

The open wire fence on the land has been put there by the former owner, British Railways, I think as a safety measure to prevent easy access on to the railway embankment, in accordance with a Demarcation Agreement with Railtrack. As current owner I also have to uphold this contract [copy of documents enclosed].

The fence has been put without regard to the actual boundary of the land with the railway embankment. As there are many trees along the boundary, it looks like the fence has been sited to where the makers could dig fence post holes easily without encountering roots.

The small area of woodland behind the fence on the western side of the land is and has for many years been disused. The woodland track from Oakville Road comes out on Stoney Lane in the same place it has always done, the fence not an interference with the path. When I want to enter this part of the land I walk round the end of the fence.

The area of land behind the fence on the eastern side of the land is a dense thicket of wood and undergrowth, with no track or path, merging with the railway embankment. It once had interest to children due to the pothole on there, throwing stones down to hear how deep it was, until British rail put a high fence round the hole. There is no use of this area for sports and pastimes, and long before the demarcation fence was put up there was none.

The former owner of the land gave every opportunity to Oakville Residents Association to buy the land before the fence was put up, at a nominal cost, on condition that a demarcation fence was put up. As they didn't want the responsibility or expense of this they did not buy the land.

British Rail finally after years of delay built the fence and shortly after again offered the land for sale to Oakville Residents Association, in May 2008, putting it up for sale in public auction.

Although many Association representatives were at the auction, they did not bid for the land, and did not buy it, instead putting all their energy into intimidating other potential buyers not to buy the land. This village green application was made for that purpose, and flyers handed out in the auction room to dissuade people from buying the land.

Since becoming the owner of this piece of land in June 2008, I have permitted the activities that local people have been doing to continue as before, whether it was gardening, football or bonfire. I refused permission only for cars to park on the main entrance to the land, as they were in everyone's way.

I have encouraged various people of Oakville Road to use the land more, as it has been mostly disused for decades. One has made a new lawn out of an area formerly choked with mature nettles, near the swing tree. A few others are making a communal vegetable plot and smoker's garden in the area I cleared of brambles, nettles and rubble. Someone else has made a home for their chickens in another disused inaccessible area, clearing the weeds to do so.

The area where group activities have once or twice a year been taking place, and where children climb, kick balls, and sledge, I offered for sale to the Oakville Residents Association for £7000, so that they could make it a village green. However, they did not take my offer.

I hope the above facts will help you in reaching a true understanding of the situation of the land.



The Application for village green status on the land is not to protect the character of the area from major housing development plans, there are none, and planning permission law already protects the land well.

If such status were granted it would act to make a criminal of the owner for building a garden shed or putting a pen on his land, or growing vegetables in the garden.

It would also work to transfer the value of the land without compensation, from the owner of the land to the owners of the houses on Oakville Road, whose properties have already an increased desirability and high value due to their outlook over the land, and will have an even greater value should the land be made a village green.

In conclusion,

- The application for village green status on the whole of the land is invalid, as the whole of the land has not been used for sports and pastimes in any meaningful or everyday way by a sufficient number of people.
- Both the catchment area and the area of land used for recreation by local people have been greatly exaggerated by the applicants, invalidating the application.
- Four gardens have been occupied by individual households, one with documented permission of the former owner since 42 years, who permitted their neighbours access to their gardens, and through them to the wider land.
- It is likely that locals have always been permitted to enter the land and entry has not been as of right. Just because British Rail did not deny anyone access in the last 22 years is not a proof that permission was not informally given. They could have easily denied access by putting locked gates on the entrances. They instead protected the children they permitted to play on the land from harm by fencing a deep hole.
- Oakville Residents Association have shown that they are not willing to take responsibility for the land or bear any of the expenses of the land by turning down the numerous offers to sell them the land cheaply from both the former and present owners of the land.

Due to the reasons outlined, I ask the council to dismiss the Application for village green status on land at Oakville Road, Stoney Lane, formerly called the Pen, now named Rajneesh Garden.

Yours Sincerely, Richard Pont







