

Appendix 2

**Application form and letter dated 27th July 2008
submitted by Mr Bebbington**

FORM 30

Official stamp of registration authority
indicating date of receipt:

Application No.

Register Unit No(s).

*This section for official
use only*

VG

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COMMONS REGISTRATION ACT 1965, SECTION 13

**APPLICATION FOR THE REGISTRATION OF LAND WHICH BECAME
A TOWN OR VILLAGE GREEN AFTER 2 JANUARY 1970**

**IMPORTANT NOTICE: Before filling in this form, read carefully the notes at the end.
An incorrectly completed application form may have to be rejected.**

¹ *Insert name of registration authority*

To the **Oldham Metropolitan Borough Council, Civic Centre, West Street, Oldham, OL1 1UG**

Application is hereby made for the registration as a town or village green
of the land described below, which became so registrable after 2 January
1970.

Part 1.

**Full name and address of applicant or (if more than one) of every
applicant:**

*(Give Christian names or
forenames and surname,
or, in the case of a body
corporate, the full title of
the body. If Part 2 is not
completed, all
correspondence and
notices will be sent to the
first named applicant.)*

**Mr. Thomas Harry Bebbington
33 Denmark Way
Chadderton
Oldham
OL9 6SD**

Part 2.

Name and address of solicitor, if any:

*(This part should be
completed only if a solicitor
has been instructed for the
purposes of the
application. If it is
completed, all
correspondence and
notices will be sent to the
solicitor.*

None

385

Rec'd 3/3

125

Part 3.

Particulars of the land to be registered i.e. the land claimed to have become a town or village green:

Name by which usually known: **'Beresfield'**

Locality: **Garforth Street, Recreational Open Space, North Chadderton.**

Colour on plan herewith: **Green**

Part 4.

On what date did the land become a town or village green?

30th June 1993

Part 5.

How did the land become a town or village green?

The inhabitants of Busk, North Chadderton, and Westwood have a customary Right to indulge in lawful sports and pastimes on 'Beresfield' and have indulged in such activities as of right for a period of more than 20 years

Part 6.

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 have become a town or village green (if none are known, write "none"):

**Oldham Metropolitan Borough Council
Civic Centre
West Street
Oldham
OL1 1UG**

Part 7.

For applications to register substituted land (see Note 5); to be disregarded in other cases.

Particulars of the "taken land" i.e. the land which ceased to be a town or village green (or part thereof) when the land described in Part 3 became a town or village green (or part).

Name by which usually known:

Locality:

Colour on plan herewith: _____

If registered under the 1965 Act, Register Unit No(s). _____

Part 8.

List of supporting documents sent herewith, if any (if none are sent, write "none"):

None

Part 9.

If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land is believed to dispute the claim that it has become a town or village green) full particulars should be given here

'BERESFIELD' has been used for recreational purposes as a right for over 30 years without interruption. It's status and use as a recreational open space use was confirmed by the Planning Committee in June 2004 when an application to build on 'Beresfield' was rejected by the committee

² The application must be signed by or on behalf of each individual applicant, and by the secretary or some other duly authorised officer of any applicant which is a body corporate or unincorporate.

Date:

28th March 20 06

Signatures²:

JH Beblington

(See Note 9)

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 Thomas Harry Bebbington

solemnly and sincerely declare as follows:

² Delete and adapt as necessary.

Handwritten: O/S

1. ² I am ((the person) (~~one of the persons~~) who (has) (~~have~~) signed the foregoing application)) ((~~the solicitor to (the application)~~) (³ _____ one of the applicants)).

³ Insert name if applicable.

2. I have read the Notes to the application form.
3. 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 8 and 9 of the application.

⁴ Insert "marking" as on plan.

Handwritten: O/S

4. The plan now produced and shown to me marked 4 "Garforth St. Recreational Open Space 'BERESFIELD' (Marked A) _____" is the plan referred to in part of the application.

⁵ Delete this paragraph if there is no plan referred to in part 7.

~~5. ⁵ The plan now produced and shown to me marked 4 "_____ " is the plan referred to in part 7 of this application.~~

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: Thomas Harry Bebbington,

33 Denmark Way, Chadderton, Oldham, O19 6SD

at: 55 King Street, Oldham, OL8 1EX

in the: _____ of:

this: 28th day of: March 20 06

Signature of Declarant: *TH Bebbington*

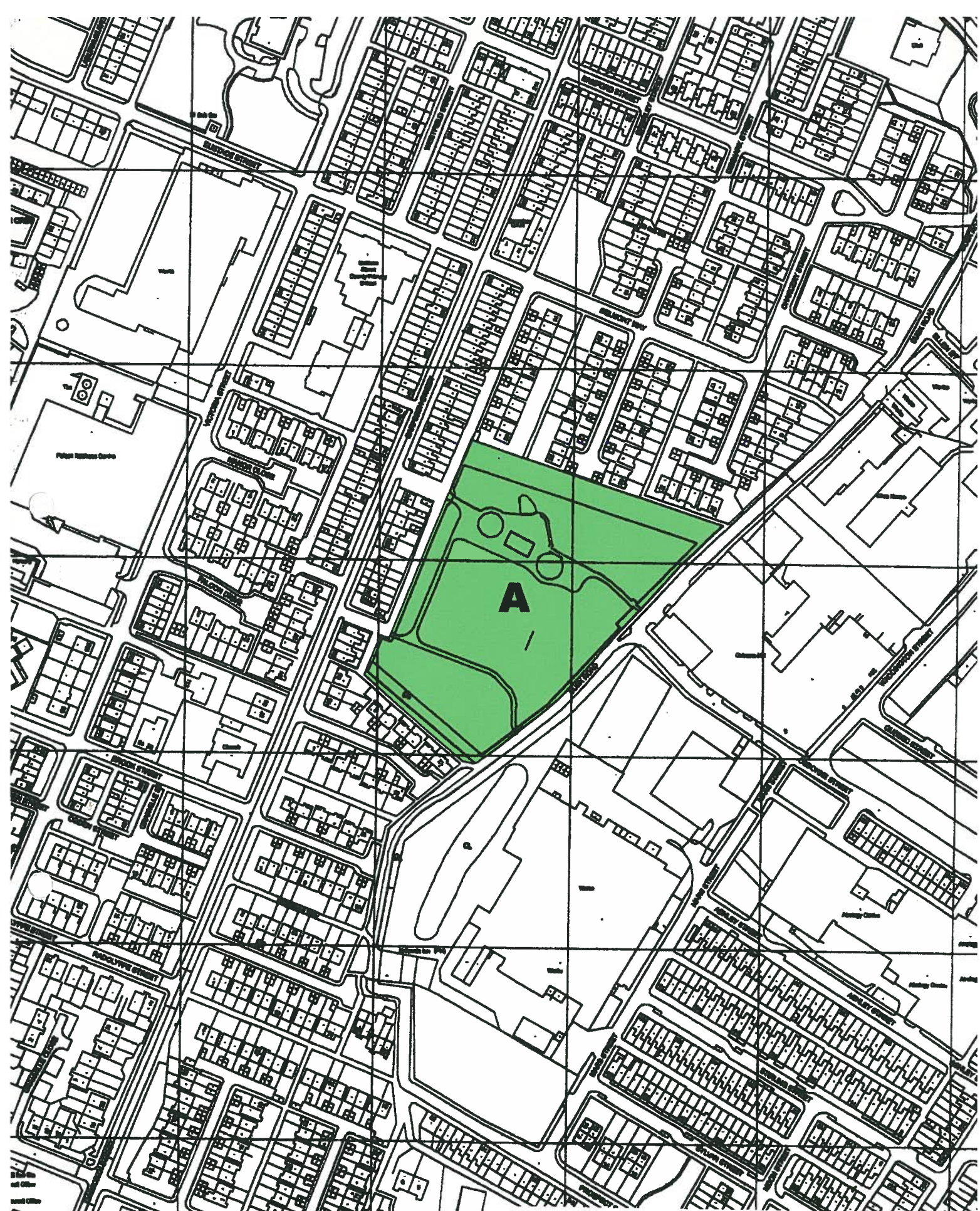
Before me: *Colene A. Stepler*

Signature: _____
Address: Megsons Solicitors, 55 King Street, Oldham.

Qualification: Solicitor / Commissioner for Oaths.

**REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.**

**MEGSONS
SOLICITORS
55 KING STREET
OLDHAM
OL8 1EX**



Garforth Street, Recreational Open Space
Known locally as 'Beresfield' marked 'A'

*This is the exhibit referred to in the Statutory Declaration dated 28 March 2006.
@Alexis A. Stepien & JHRiddell.com.au 8.25*

T H BEBBINGTON

33 Denmark Way
Chadderton
Oldham
OL9 6SD
0161 345 1231
tbebdenhadd@ntlworld.com

27 July 2008

For the Attention of Alan Evans
Ref. AE/RTG2
Legal and Democratic Services
Oldham Metropolitan Borough
Civic Centre PO Box 33
West Street
Oldham OL1 1UL

Application to Register a Village/Town Green.
Berry's Field Recreational Open Space, Garforth Street, Chadderton

Dear Mr Evans,

Apologies for my late response domestic issues have taken precedence over last few months.

In reply to Mr Mycocks letter of objection I would reply as follows

I have been in residence at the above address since 1973 since that time usage of the field as been enjoyed by local residents without restriction. The use of the date of 1993 was arbitrary and was used as I believe is allowable under current legislation.

a) I would suggest that sufficient evidence to demonstrate that the usage as of right for lawful sports and pastimes by local residents was supported by the objections of local residents to the Planning Application ref. PA/046981/04 the erection of a children's centre at this site. The Planning Committee rejected this application. At this time letters of objection to the application were in excess of 200 and petitions containing over 400 signatures were submitted. I would suggest that the people who wrote the letters of objection regarded it, as their right to use Berry's Field for lawful sports and pastimes and that the usage for such activities has existed for in excess of the required 20 years. I believe that it is up to OMBC to disprove this self-apparent fact. A repeat of this exercise I do not believe to be necessary.

b) Berry's Field has over the years has been subject to boundary changes to facilitate local needs the comment about land purchased in 1965 by Chadderton UDC ignores the fact that at that time Berry's Field extended up Bamford Street and that the only housing at the rear of Garforth was that on Brierly Street and Denmark Street. The current boundaries of Berry' Field were establish following a land swop between Parks and Housing Department's. The northern half of the Busk Estate was built by Housing on what was then Berry's Field and in turn gave up was the old Busk Mill site that land south of the footpath to Parks. It would suggest to me that the land purchased in 1965 under the Physical Training and Recreation Act 1937 was in part built on at the building of the northern part of the Busk Estate. This is confirmed by the plan provided in the letter of objection to this application. I would comment that most of the remaining land under this purchase was the subject of the above Planning Application (So much for the 1937 Act)

c) Regarding the erection of the play equipment in 1993 local residents opposed this, however at that time

people were somewhat naive about the workings of local government not having easy access to information as they now have via the internet. OMBC ignored the verbal protest of residents and proceeded with the installation of the play equipment. The funding for this I understand to be Euro Money on a use or lose it basis.

d) The fact that OMBC placed the site under the control of Leisure Services Committee has no bearing the internal organisation of OMBC is not relevant to the application. With regard to the comment regarding insurance I would expect that all of the land owned by OMBC would carry Public Liability cover anyway. The maintenance of the site by OMBC is variable, apart from grass cutting other maintenance is somewhat lacking a field visit to the site would raise questions about Health and Safety of user's rubbish and broken glass is everywhere.

e) The fencing of the land was again initiated against the wishes of local residents again Euro Money. Since it's erection there has been no maintained of the fence in fact efforts to persuade Parks to renew the rotting outer fencing in front of Denmark Way have been ignored. With regard to signs on the site the only signs erected 'NO GOLF' were placed on the site as a knee-jerk reaction when a resident of Garforth Street was injured by a golf ball in their backyard.

In the last 30 years OMBC has never attempted to impede or prevent the total freedom of the local residents in their use of the site either by implied intention or the erection of permissive signs.

The erection of playground equipment (now removed) or fencing the area should not in my opinion affect this application. The schedules of work attached to the objection are in my opinion 'snow' and do not offer any evidence to support the objection. In fact the information contained in the objection documents will be very useful with any future dealings with OMBC regarding this site.

Sincerely,

T H Bebbington

Signature

A handwritten signature in black ink, appearing to be 'T H Bebbington', written in a cursive style.