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10 APR 2013

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SCHEDULE 1

Regulation 2(2)(a)

Application Form

Form CA16 3166)-G-02-09.

Application Form for deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006

Please read the following guidance carefully before completing this form

1. *Guidance relating to completion of this form is available from <http://www.defra.gov.uk/rural/protected/greens/>. Please refer to these separate notes when completing this form.*
2. *Parts A and F must be completed in all cases.*
3. *The form must be signed and dated by, or by a duly authorised representative of, every owner of land to which the application relates who is an individual, and by the secretary or some other duly authorised officer of every owner of land to which the application relates which is a body corporate or an unincorporated association.*
4. *In the case of land in joint ownership all the joint owners must complete paragraphs 2 and 3 of Part A and complete and sign the application in Part F, unless a duly authorised representative completes and signs the form on behalf of all of the owners of the land. Paragraph 3 should be completed in full to clearly explain the capacity of each applicant e.g. trustee, landowner's managing agent, executor.*
5. *'Owner' is defined in section 61(3) of the Commons Act 2006 and section 31(7) of the Highways Act 1980 and means, broadly, a legal owner of the freehold interest in the land.*
6. *Where the application relates to more than one parcel of land, a description of each parcel should be included in Paragraph 4 of Part A and the remainder of the form should be completed to clearly identify which statement and/or declaration relates to which parcel of land. This may require the insertion of additional wording. See separate notes for further guidance. Multiple parcels of land should be clearly identified by coloured edging on any accompanying map.*
7. *Where a statement or declaration requires reference to colouring shown on an accompanying map or previously lodged map, the colouring must be clearly specified and must match that shown on the relevant map. For example, if a footpath is specified in a Part C declaration as shown coloured brown, the accompanying map or previously deposited map referred to must reflect that colouring.*
8. *An application must be accompanied by an ordnance map, or (in respect of declarations under Part C or statements under Part D of this form) refer to a map previously deposited in accordance with the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declaration) (England) Regulations 2013 or (if deposited before 1st October 2013) in accordance with section 31(6) of the Highways Act 1980. Any accompanying map must be an ordnance map at a scale of not less than 1:10,560 showing the boundary of the land to which the application relates in coloured edging.*
9. *An application must be accompanied by the requisite fee – please ask the appropriate authority for details.*

10. 'Appropriate authority' means (a) in relation to a map or statement deposited or declaration lodged

**PART A: Information relating to the applicant and land to which the application relates
(all applicants must complete this Part)**

1. Name of appropriate authority to which the application is addressed:

Surrey County Council

2. Name and full address (including postcode) of applicants:

Mr James Waite & Mrs Francesca Waite
3 Manor Gardens
Sunbury On Thames
Middlesex
TW16 6NY

3. Status of applicants (tick relevant box or boxes):

We are

- (a) the owners of the land(s) described in paragraph 4.
(b) making this application and the statements/declarations it contains on behalf of [insert name of owner] who is the owner of the land(s) described in paragraph 4 and in my capacity as [insert details].

4. Insert description of the land(s) to which the application relates (including full address and postcode):

The land to which the application relates is the parcel of land on which the detached residential property at 3 Manor Gardens, Sunbury on Thames, TW16 6NY sits, and as built in 1928.

The property itself occupies a single parcel of land between Green Street at the front, (and inclusive of the wooded area at the front), and the fenced boundary separating the property from the sports field at the rear owned by St Pauls Catholic College.

Neighbour property garden fences on either side form the longitudinal boundaries between properties from front to back.

The curtilage of the property at 3 Manor Gardens is all as indicated in red outlining on the supplied attached copy of HM Land Registry Map, and is exclusively owned by Mr J Waite & Mrs F Waite,

A part of the defined curtilage at No. 3, serves as and is maintained as, an unmade road crossing in front of the property. This section of unmade road is itself an integral and entirely owned part of the overall No. 3 property. Its length corresponds to the No. 3 property frontage.

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known):

Grid reference TQ 101695

6. This deposit comprises the following statement(s) and/or declarations (delete Parts B, C, or D where not applicable):

Part A, Part B, Part E, Part F, Land parcel Location map with land parcel delineated in red.

PART B: Statement under section 31(6) of the Highways Act 1980

We, Mr James Waite & Mrs Francesca Waite are the husband and wife owners and occupiers of the land described in paragraph 4 of Part A of this form and as shown delineated in red on the map accompanying this statement.

No ways over the land shown red on the accompanying map have been dedicated as public highways or footpaths.

To the extent that this is legally possible, this restriction is rigorously enforced as and when appropriate and necessary.

PART C: Declaration under section 31(6) of the Highways Act 1980

Not thought appropriate by applicants as only Highways Act 'statement' please advise if incorrect assumption.

PART D: Statement under section 15A(1) of the Commons Act 2006

Not thought appropriate by applicants as only Highways Act 'statement' please advise if incorrect assumption.

PART E: Additional information relevant to the application
(insert any additional information relevant to the application)

No. 3 Manor Gardens and the parcel of land on which it sits and as marked in red on the provided map has been owned as a freehold property by myself and my wife as named in this application and occupied by us continuously since 2014.

Since its construction in 1928, Manor Gardens has always had unmade road comprising 10 separate individually owned road sections. It has two entrances/exits connecting to 'Green Street'. The ten individually owned sections are not 'in common ownership' in any sense, and equally there is no shared ownership or common use of the wooded areas included within the curtilage of any of the individual properties/land parcels.

All Manor Gardens property owners have their own road sections of length matching their respective frontages. The maintenance of the unmade road is each property owner's responsibility as is maintaining its surface and ensuring safe access to legitimate users.

No.1 and No. 10 Manor Gardens at the two extreme ends included also the section of unmade private road running out into Green Street at North and South extremes and which facilitates provide access and egress to the public main road.

Clearly visible Signs have been placed at both entrances indicating the private nature of the road. Older signs were removed and upgraded signs installed in 2007 and as have been in place since.

Use of individual sections of road is entirely by private mutual agreement and affords only a reciprocal restricted right to 'cross and recross' the individual section of road of the ten properties within Manor Gardens by homeowners and their legitimate visitors, for the purposes of gaining access to and egress from their individual properties as determined and stated within associated title deeds, and deeds of covenant.

The expression 'Legitimate visitors' includes persons and their vehicles making deliveries, e.g. milk man, postman, service provider representatives, police, tradesmen, utility companies and others that have genuine need of access to properties to provide services or as otherwise requested by home owners.

Other than 'legitimate visitors', there is no permitted public vehicle or public pedestrian access, and this includes parking, turning or using Manor Gardens unmade road as an unauthorised 'cut through', or as a footpath. To the extent that this is legally possible, this restriction is rigorously enforced as and when appropriate and necessary.

I have attached some photographs of the entrance to the road and of Manor Gardens itself, from my property.

PART F: Statement of Truth
(all applicants must complete this Part)

WARNING: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Signature (of the person making the statement of truth):

Print full name: JAMES ALAN WAITE



Date: 13 March 2020

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Signature (of the person making the statement of truth):

Print full name: FRANCESCA KATE WAITE



Date: 13 March 2020

You should keep a copy of the completed form

Data Protection Act 1998 - Fair Processing Notice

Content of this section noted, understood and subsequently deleted by applicants.





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Pavilion

11.3m

MANOR GARDENS

MANOR GAR

The White HO

Bantham

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Bay

510069.169472

Scale 1:500

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Date: 25/06/2007

