

APPENDIX D

Raymond Rapacchi B.Ed Hons

The Keeping, Town Farm

Henlow

Bedfordshire SG16 6AZ

Telephone: 01462 811020

thekeeping@homecall.co.uk

30th March 2011

Mr C Heard Orders and Commons Registration Officer
Central Bedfordshire Council, Technology House
239 Ampthill Road
Bedford MK42 9BD

Dear Mr Heard,

VILLAGE GREEN APPLICATION _ TOWN FARM COURT & ORCHARD HENLOW COVERING LETTER

Many thanks for your letter. We enclose copies of the additional evidence requested.

The correspondence and abstracted Conveyances evidence Statement 3. David Curson of Henlow Renovations Ltd. Was the developer and landowner (1) referred to in our application. John and Margaret Handscombe Landowner 3. The evidence shows:-

RoW were granted to all residents over the Land known as Town Farm Court by Landowner 1. On or before 1983. There was a contractual duty to provide footways and to finish the road, these works were not undertaken and Landowner 1 took no further part in finishing, managing and maintaining land at Town Farm Henlow. The development company ceased trading.

RoW were established by the users of the Court over this unmanaged period, over a period exceeding twenty years users passed and re-passed Town Farm Court on foot, pedal and by car and the Courtyard used by children at play. Users and their children accessed freely the orchard on foot by a permanently open space to the left of a white gate at the end of Town Farm Court for the purposes of leisure and recreation. A key to the padlocked gate was provided for vehicular access to the orchard.

Previously submitted evidence proves that on 1st February 2010 Landowner 1 (Acting as agent for Landowner 3) together with Bedfordshire Archaeological Services trenched the Orchard making it unsuitable for the purposes of leisure and recreation. Throughout 2009 and 2010 the Court was heavily used by Construction vehicles

which parked on the Orchard site making the Court unsuitable and dangerous for pedestrians and children at play.

The HAPs Biodiversity site was destroyed by Landowner 3 and his agents

On 9th May 2009 Landowner 3 gave notice to residents of Town Farm Court that their use and access of **orchard site was now prohibited**, and that they had no rights to park on Town Farm Court. Parking penalties were threatened and the residents were asked to seek permission to drive over a five meter strip across Town Farm Court to access their own driveway or to enter the **Orchard site**.

This Application seeks to secure clarify and to secure the RoW, access and use established by the residents of a small community within a neighbourhood in Henlow; to secure protection from damage and further loss of amenity by development works across the whole piece and to restore lost amenity under Section 15 subsection (3) of the Open Spaces and Village Greens Act 2006.


Perhaps you could confirm that the potential objectors listed in Application Form 44 have been noted before considering the appropriate form of hearing for this action.

We confirm the date of the application as 2nd March and confirm that our evidence is complete.

If Council or Counsel require any further evidence we shall be most happy to provide this.

Many thanks for all your help,

Yours sincerely,



Ray and Wendy Rapacchi

Encs: labelled:

- 3a Title no: BD2033622 John and Peggy Handscombe (later -Landowner 3) RoW over Town Farm Court
- 3b Conveyances Detailing RoW easements and restrictions conveyed by Landowner 1 to properties Forming the small community within a neighbourhood in 1981. The route of the extinguished footpath is marked in purple. The orchard is bounded pink.
- 3c Mid Beds Planning Restrictions on boundary fencing, walls and hedges to properties in Town Farm Court, and public safety and convenience regulations on access to the area west end of Town Farm Court
- 3d Acknowledgment of David Curson of Property Renovation and Maintenance Ltd to Wendy and Ray Rapacchi to produce documents 3a and 3b which relate to the inter alia right of way (in common with other users) over Town Farm Court. The documents were produced to the Applicants solicitors and prior to completion and the Transfer deeds to 3 Town Farm Court contained reference to the RoW and detailed that the boundary of their property to the orchard be maintained by the applicants, with open and stock proof fencing.