

## Assessment of user evidence

6 letters submitted detailing use (7 persons in total as 2 from same household) as follows:

1) *Anne Bowron of 35 Harmire Road*

Provides evidence of childhood use from 1958 up to 1976 when she left Barnard Castle.

Although she moved back to Harmire Road in 2002 she does not provide any further details of use.

Her evidence of use therefore relates to a period which is outside of the relevant Qualifying Period of 1997-2017

2) *Angela Bainbridge of New Houses, Bede Kirk*

She says that from 2004 her children, and others, played on the Application Land and now that her children are teenagers they use it for socialising with friends.

Her evidence of use therefore relates to 2004 to 2017 only and not to the whole of the Qualifying Period

3) *David Stacey of 22 Cleveland Road*

He has used the Application Land for the last 6 years (2011-2017) for exercising and playing with his dog. Has lived in the area for 34 years and has used the Application Land 'for many years' as a spot of shade when cycling to work at the nearby GSK plant.

The dog exercising use is relatively recent and does not extend over the whole of the Qualifying Period. It is not clear over what period he has used the Application Land for shade when cycling to work as he simply says it was many years, nor are any details given of how frequently he cycled to work and stopped for shade on the Application Land.

4) *Fank Allinson of 15 Harmire Road*

He has seen children playing on the Application Land and people walking dogs over the last 20 years.

Mr Allinson does not give evidence of use of Application Land himself. He has merely observed others using it. Accordingly, no details of who he has seen using the Application Land, how frequently or where the users come from is provided. It is also unclear whether dog walkers he observed were walking a defined route or anywhere on the Application Land.

5) & 6) – *Gary & Gillian Raine of 4 Bede Kirk*

Their children have played on the Application Land and they have lived in Bede Kirk for several years.

However, the exact period over which their children have used the Application Land is not provided so it is unclear whether it is within or without the Qualifying Period. Equally, no details of frequency of the use are provided.

7) *GA Chrystal of 2 Bede Kirk*

Provides evidence of use by own children/grandchildren and other children as well as dog walking since 1980.

On the face of it, this covers the whole of the Qualifying Period but in respect of childrens' play, there are no details as to frequency, where the other children came from, where the dog walkers came from (although he does say they were residents) or whether the dog walkers followed a particular route or walked anywhere on the Application Land.

Assessment of additional user evidence (submitted 15 March 2018)

9 further representations submitted detailing use (10 persons in total as 2 from same household) as follows:

1) *Louise Finlay of 23 Marwood Drive*

Used herself and with children for picnics, sledging and children's play. Attaches pictures of use from December 2017.

It is unclear what period of use she is referring to and how it relates to the Qualifying Period as she simply says that her and her children have *always* played there. The photographic evidence is very recent and post-dates the Qualifying Period.

2) *LK Wheeler of 12 Cambridge Terrace*

Used since 2006, initially for walks and picnics with daughter when she was young, more latterly for walking her two dogs.

Her evidence of use therefore relates to 2006 to 2017 only and not to the whole of the Qualifying Period.

3) *Mark and Lesley Patterson of 7 Bede Kirk*

Use with friend and family since 2007 for playing games (tennis, football and Frisbee) and as extra garden space for BBQs in summer months. Also daughters have used it to build snowmen, ride bikes and play hide and seek. They also love racing up the steps on their way home from school/nursery. Photographs are produced.

Their evidence of use relates to 2007 to 2017 only and not to the whole of the Qualifying Period. Use of the steps by their children between home and nursery/school is likely to be no more than assertion of a public right of way rather than village green use. It is unclear when the photographs were taken but at least one of them appears to be on the car park area which is not part of the Application Site.

4) *Carol Flewitt of 5 Harmire Road*

Lived there for 20 years i.e 1998 – 2018. Strolls over the Application Land, has taken nephews and nieces on to play and for picnics. Sees neighbours walking their dogs on a daily basis.

Not entirely clear whether her use has gone on for the whole of the 20 year period she refers to having lived there and over what period the dog walking use has been observed. In any event, 1998 - 2018 does not represent the whole of the Qualifying Period.

5) – *Councillor Richard Bell*

Over the last 30 years has observed the public using the Application Land on a weekly basis.

No information is provided as to who the users were, where they came from or what they were doing on the Application Land.

6) *Carol Emerson, formerly of 23 Marwood Drive*

Played on the Application Land in her youth (since about 1951).

Does not cover the relevant Qualifying Period.

7) *Bianca- Sophie Ebeling of 22 Cleveland Road*

Provided detail of archaeological and historical interest of the Application Land. Also photographs showing use in January 2018

Does not provide any evidence of use herself. No detail given as to who the users were or where they came from and the use referred to is also outside of the Qualifying Period.

8) & 9) – *John Watson & Margaret Watson of 12 Woodlands Road*

Gives detailed information as to the planning and development history of the Application Land and surrounding area since the 1920s. Have seen children playing in the snow on the Application Land in the winter (building snowmen, sledging and snow balling) and in the summer have seen them congregating to talk and play games. Mr Watson has walked his dog on the Application Land.

It is unclear over what period of time the Watsons have witnessed children playing, or where the children came from although they have lived in Woodlands road since 1964. Equally, it is unclear over what period of time Mr Watson has walked his dog and whether or not he followed a defined route over the Application Land.

10)– *Celia Chapple of 30 Kirk View*

Lived at Kirk View for just over 1 year. Before that time and since she has enjoyed the Application Land and tends to spend time sitting on it.

Evidence of very recent recreational use (2017-2018), part of which is outside of the Qualifying Period. She was not a resident of the Locality prior to this time.