



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Friday, 19th February, 2010, at 1.00 pm
Swale 1, Sessions House, County Hall,
Maidstone

Ask for: **Andrew Tait**
Telephone **01622 694342**

Tea/Coffee will be available 15 minutes before the meeting

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Membership

Conservative: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr T Gates, Mr R A Pascoe.

Liberal Democrat: Mr S J G Koowaree.

2. Declarations of Interest for Items on the agenda

3. Application to register land at King George Playing Fields, Hawkhurst as a new Village Green. (Pages 1 - 26)

4. Application to register land at Chart Corner in the parish of Chart Sutton as a new Village Green (Pages 27 - 40)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Saturday, 13 February 2010

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Application to register land known as King George Playing Field at Hawkhurst as a new Village Green

A report by the Director of Environment and Waste to Kent County Council's Regulation Committee Member Panel on Friday 19th February 2010.

Recommendation: I recommend that the County Council informs the applicant that the application to register the land known as King George Playing Field at Hawkhurst has not been accepted.

Local Members: Mr. R. Manning

Unrestricted item

Introduction

1. The County Council has received an application to register land known as King George Playing Field at Hawkhurst as a new Town or Village Green from local residents Mrs. J. Wood, Mr. D. Buckle and Mr. R. Sheath ("the Applicants"). The application, dated 24th November 2008, was allocated the application number VGA605. A plan of the site is shown at **Appendix A** to this report and a copy of the application form is attached at **Appendix B**.

Procedure

2. The application has been made under section 15 of the Commons Act 2006 and Commons Registration (England) Regulations 2008.
3. Section 15(1) of the Commons Act 2006 enables any person to apply to a Commons Registration Authority to register land as a Town or Village Green where it can be shown that:

'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
4. In addition to the above, the application must meet one of the following tests:
 - **Use of the land has continued** 'as of right' until at least the date of application (section 15(2) of the Act); or
 - **Use of the land 'as of right' ended no more than two years prior to the date of application**, e.g. by way of the erection of fencing or a notice (section 15(3) of the Act); or
 - **Use of the land 'as of right' ended before 6th April 2007** and the application has been made within five years of the date the use 'as of right' ended (section 15(4) of the Act).
5. As a standard procedure set out in the regulations, the Applicant must notify the landowner of the application and the County Council must notify every local authority. The County Council must also publicise the application in a newspaper circulating in the local area and place a copy of the notice on the County Council's website. In addition, as a matter of best practice rather than legal requirement, the County Council also places copies of the notice on site to provide local people with

the opportunity to comment on the application. The publicity must state a period of at least six weeks during which objections and representations can be made.

The application site

6. The area of land subject to this application (“the application site”) consists of a recreation ground of approximately 2.5 hectares (6 acres) in size situated adjacent to Moor Hill (A229) and Hastings Road (B2244) in The Moor area of the village of Hawkhurst. The application site consists of a grassed open space (incorporating tennis courts, a play area and a pavilion).
7. The perimeter of the application site is fenced and access to the site is via two pedestrian gates and a stile along the boundary with the footway of Moor Hill and via the vehicular entrance to the car park (also from Moor Hill).
8. Members should be aware that the application site has been the subject of a planning application to Tunbridge Wells Borough Council for the demolition of the existing Sports Pavillion and the erection of a new community centre as well as separate storage outbuildings, a car park and an outdoor playground. Planning permission for the scheme was granted on 15th May 2009.
9. The granting of planning permission has no effect upon the Village Green application and it is not within the County Council’s remit to consider the impact of the proposed development or the desirability of registering the land as a new Village Green. The County Council, in its capacity as the Commons Registration Authority, is restricted solely to whether the strict legal tests set out in section 15 of the Commons Act 2006 have been met. This is purely a matter of evidence.

The case

10. The application has been made on the grounds that the application site has become a Town or Village Green by virtue of the actual use of the land by the local inhabitants for a range of recreational activities ‘as of right’ for more than 20 years.
11. Included in the application were 19 user evidence questionnaires from local residents asserting that the application site has been available for free and uninhibited use for lawful sports and pastimes over the last twenty years and beyond. A summary of the user evidence is attached at **Appendix C**.
12. Also included within the application were photographs showing Hawkhurst United Football club on the land between 1935 and 1982.

Consultations

13. Consultations have been carried out as required.
14. In response to the consultation, 20 ‘standard format’ letters of objection have been received from local residents. These letters, identically worded, set out the history of the acquisition of the site and object on the grounds that the site has been actively managed and strictly controlled by the Parish Council and use of it has not been ‘as of right’.

15. It is, however, difficult to place any great deal of weight to these letters since they provide a shared view in response to an emotive issue rather than provide any actual evidence in rebuttal to the application. The letters appear to have been produced and circulated by the Parish Council and thus the words used and views expressed are perhaps aligned more to an agreement with those of the Parish Council rather than the individual thoughts of those objecting. In considering the consultation responses, it is always the substantive content of the objections received that is relevant, and not their number.

Landowner

16. The application site is managed by Hawkhurst Parish Council (“the Parish Council”).

17. The application site was acquired by the Parish Council by way of a Conveyance dated 3rd June 1935. The Conveyance refers to the land having been acquired under the provisions of the Local Government Act 1894 and stipulates that the land *‘is required by the Council for the purpose or purposes of a Recreation Ground and it is intended that the said land shall be dedicated to the use of the Public solely for the purpose of recreation’*. A copy of the conveyance is attached at **Appendix D**.

18. On 29th April 1938, the application site was the subject of a declaration of trust which provided that it *‘shall be preserved in perpetuity as a Memorial to His late Majesty King George V under the provisions of the King George’s Fields Foundation and shall henceforth be known as “King George’s Field”*’.

19. The King George’s Fields Foundation was set up shortly after the death of King George V in 1936 with the aim *‘to promote and to assist in the establishment throughout the United Kingdom of Great Britain and Northern Ireland of playing fields for the use and enjoyment of the people’*. The Foundation was established as a Charity and funds were raised, initially by way of a National Appeal, to facilitate the acquisition, construction and equipment of land for recreational use. In 1965, the Foundation was dissolved and responsibility transferred to the National Playing Fields Association (now known as Fields in Trust).

20. Today, the application site is a registered Charity (no. 1085101) and the land is vested in the Members of Hawkhurst Parish Council as the Trustee of the Charity.

21. The Parish Council has objected to the application on the basis that use of the application site has been by virtue of the conditions of the charitable trust and the 1935 conveyance (which specifically provide for the use of the land for recreational purposes) and therefore not ‘as of right’.

Legal tests

22. In dealing with an application to register a new Town or Village Green the County Council must consider the following criteria:

- (a) *Whether use of the land has been 'as of right'?*
- (b) *Whether use of the land has been for the purposes of lawful sports and pastimes?*
- (c) *Whether use has been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality?*

- (d) Whether use has taken place over period of twenty years or more?
(e) Whether use of the land 'as of right' by the inhabitants has continued up until the date of application or meets one of the criteria set out in sections 15(3) or (4)?

I shall now take each of these points and elaborate on them individually:

(a) Whether use of the land has been 'as of right'?

23. The definition of the phrase 'as of right' has been considered by the House of Lords. Following the judgement in the *Sunningwell*¹ case, it is considered that if a person uses the land for a required period of time without force, secrecy or permission (*nec vi, nec clam, nec precario*), and the landowner does not stop him or advertise the fact that he has no right to be there, then rights are acquired and further use becomes 'as of right'.
24. In this case, there is no evidence of any of the users ever having been verbally challenged or physically prevented from gaining access to the land. Nor is there any evidence that use of the land has been with secrecy. Although the site is fenced around its perimeter and the vehicular access gate to the site is locked overnight, access to the site is easily achievable through the pedestrian gates and the stile along Moor Hill.
25. The key issue in this case concerns the third limb of the 'as of right' concept: permission. Permission in this context can take various forms. It can be express or implied, and it may or may not be communicated to the recreational users of the land.

Express permission: the Notice

26. In support of their objection, the Parish Council refers to a notice displayed on the site which reads: '*King George V Playing Field, The Moor. This recreation area is the property of the King George V Playing Field Trust who give consent for the lawful use of the land for recreational purposes. The Trustees are Members of Hawkhurst Parish Council*'. The inference is that this notice confers a form of express permission to use the site. A photograph of the notice is attached at **Appendix E**.
27. However, this notice is dated November 2008. The application for Village Green status was made on 24th November 2008. Therefore, it is possible that there may have been a period of a few days or weeks during which the notice was in situ prior to the application being made. In any event, the notice has little impact upon whether use has been 'as of right'; it is now well-established that in order to be effective, permission must not only be communicated, but it must also be revocable².

¹ *R v. Oxfordshire County Council and another, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

² *R(Beresford) v Sunderland City Council* [2003] UKHL 60

Implied permission: statutory acquisition of the land

28. Particularly in cases where the application site is owned by a local authority, it is important to determine the powers under which the site was acquired in order to determine whether the use of the land by the local residents has been by virtue of an implied permission.
29. As stated above, the land was acquired by the Parish Council in exercise of its powers under the Local Government Act 1894 ("the 1894 Act"). Section 8(1)(b) of the 1894 Act enabled Parish Councils '*to provide or acquire land... for a recreation ground and for public walks*'. Section 8(1)(d) of the same Act conferred on Parish Councils a power '*to exercise with respect to any recreation ground, village green, open space, or public walk, which is for the time being under their control... such powers as may be exercised by an urban authority under section 164 of the Public Health Act 1875... in relation to recreation grounds or public walks, and sections 183 to 186 of the Public Health Act 1875 shall apply accordingly as if the Parish Council were a local authority within the meaning of those sections...*'.
30. Section 164 of the Public Health Act of 1875 ("the 1875 Act") provided 'urban authorities' with a power to '*purchase or take on lease, lay out, plant, improve and maintain lands for the purpose of being used as public walks or pleasure grounds...*'. It did not apply to Parish Councils at the time that Hawkhurst Parish Council acquired the application site in 1935.
31. However, in the Local Government Act 1972 ("the 1972 Act") the provisions of the 1894 Act (under which the Parish Council acquired the application site) were repealed. At the same time, the provisions of the 1875 Act (previously only applicable to 'urban authorities') were extended and became directly applicable to Parish Councils. It is therefore considered that land which was acquired and held as a public walk or recreation ground under section 8(1)(b) of the 1894 Act was thereafter (i.e. on the coming into effect of the 1972 Act on 1st April 1974) held under and for the purposes of section 164 of the 1875 Act.

The effect of section 164 of the Public Health Act 1875

32. The specific issue of the effect of this provision on an application to register land as a Town or Village Green has never been before the Courts. There is, however, judicial support for the proposition that land held under section 164 of the Public Health Act 1875 is the subject of a statutory trust, with members of the public being the beneficiaries of the trust.
33. In *Hall v Beckenham Corporation*³, the land concerned was held under the 1875 Act and the judge found in that case that "*as far as the local authority is concerned, if the land is purchased under their statutory powers, it is dedicated to the use of the public for the purpose of a park*"⁴. He added later in his judgement "*I think that the Beckenham Corporation are the trustees and the guardians of the park...*"⁵.

³ *Hall v Beckenham Corporation* [1949] 1 All ER 423

⁴ *Hall v Beckenham Corporation* [1949] 1 All ER 423 at 426

⁵ *Hall v Beckenham Corporation* [1949] 1 All ER 423 at 427

34. In *Blake v Hendon*⁶, it was considered that “*the purpose of section 164 of the Act of 1875 is to provide the public with public walks and pleasure grounds. The public are not a legal entity and cannot be vested with the legal ownership of the walks and pleasure grounds which they are to enjoy. But if they could be given the beneficial ownership, that is what they should have...*”.
35. More recently, the House of Lords has considered the effect of a similar provision (namely the Open Spaces Act 1906) on an application to register land as a Town or Village Green. In *Beresford*⁷, Lord Walker said this: “*where land is vested in a local authority on a statutory trust under section 10 of the Open Spaces Act 1906, inhabitants of the locality are beneficiaries of a statutory trust of a public nature, and it would be very difficult to regard those who use the park or other open space as trespassers... the position would be the same if there were no statutory trust in the strictest sense, but land had been appropriated for the purpose of public recreation*”.
36. The fundamental principle behind the concept of ‘as of right’ is that, in order to acquire rights, those using the land must start off as trespassers. The acquisition of rights cannot occur if those using the land for recreational purposes already have a right to do so. Therefore, if land is held by a local authority specifically for the purposes of recreation, those using the land are not trespassers – they are already there ‘by right’. Since they do not start off as trespassers, their use cannot be ‘as of right’ and thus they cannot acquire a new right.
37. Therefore, it can be concluded that use of the application site by the local residents has been in exercise of an existing right created by virtue of a public statutory trust and as such was not ‘as of right’.

(b) Whether use of the land has been for the purposes of lawful sports and pastimes?

38. Lawful sports and pastimes can be commonplace activities including dog walking, children playing, picnicking and kite-flying. It is not necessary to demonstrate that both sporting activities *and* pastimes have taken place since the phrase ‘lawful sports and pastimes’ has been interpreted by the Courts as being a single composite group rather than two separate classes of activities⁸.
39. Legal principle does not require that rights of this nature be limited to certain ancient pastimes (such as maypole dancing) or for organised sports or communal activities to have taken place. The Courts have held that ‘*dog walking and playing with children [are], in modern life, the kind of informal recreation which may be the main function of a village green*’⁹.
40. In this case, the evidence demonstrates that the land has been used for a wide range of recreational activities, including walking (with and without dogs), ball games, picnics, playing with children, running and watching other sports activities.

⁶ *Blake (Valuation Officer) v Hendon Corporation* [1961] 3 All ER 601 at 607

⁷ *R(Beresford) v Sunderland City Council* [2003] UKHL 60 at paragraph 87

⁸ *R v. Oxfordshire County Council and another, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

⁹ *R v Suffolk County Council, ex parte Steed* [1995] 70 P&CR 487 at 508 and approved by Lord Hoffman in *R v. Oxfordshire County Council and another, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

The table summarising evidence of use by local residents at **Appendix C** shows the full range of activities claimed to have taken place.

41. It should be noted that some of the activities cited in the user evidence questionnaires may be the subject of an implied form of permission. For example, some witnesses refer to taking part in formal games of football or cricket, or attending village fetes. Such activities are likely to have taken place by licence from the Parish Council (and, probably, on payment of a fee). Therefore, such use would be attributable to some form of formal authorization rather than informal recreational use 'as of right'. However, given the recommendation in this case, it is not necessary to conclude definitively on this point.

(c) Whether use has been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality?

42. The definition of locality for the purposes of a Town or Village Green application has been the subject of much debate in the Courts and there is still no definite rule to be applied. In the *Cheltenham Builders*¹⁰ case, it was considered that '*...at the very least, Parliament required the users of the land to be the inhabitants of somewhere that could sensibly be described as a locality... there has to be, in my judgement, a sufficiently cohesive entity which is capable of definition*'. The judge later went on to suggest that this might mean that locality should normally constitute '*some legally recognised administrative division of the county*'.

43. In this case, the applicant states that the relevant locality is 'The Moor, Hawkhurst'. The Moor is that part of Hawkhurst village which, broadly speaking, lies to the south of the main centre of the village of Hawkhurst, and is centred on the A229 (Moor Hill) and B2244 (Hastings Road) crossroads. It is not a legally recognised administrative area of the county, but could well satisfy the definition of a neighbourhood within the wider locality of the parish of Hawkhurst.

44. However, given that the land was originally acquired by the Hawkhurst Parish Council and is managed by the Parish Council on behalf of the inhabitants of the whole village, it seems appropriate, particularly if the land is used for community (i.e. village-wide) activities, that the relevant locality is the administrative parish of Hawkhurst.

(d) Whether use has taken place over a period of twenty years or more?

45. In order to qualify for registration, it must be shown that the land in question has been used for a full period of twenty years. Where there has been no challenge to the use of the land and use 'as of right' is continuing, then the twenty-year period is to be calculated retrospectively from the date that the application was made.

46. In this case, the application was made in November 2008. Therefore, the relevant twenty-year period ("the material period") is 1988 to 2008.

47. Of the 19 user evidence questionnaires submitted in support of the application, all but one documents use of the application site throughout the material period. In the

¹⁰ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

majority of cases, use of the field has taken place for over 40 years, with one witness referring to use as far back as 1935.

48. Therefore, it can be concluded that use of the land has taken place over a period of over twenty years.

(e) Whether use of the land by the inhabitants is continuing up until the date of application or meets one of the criteria set out in sections 15(3) or (4)?

49. The Commons Act 2006 requires use of the land to have taken place 'as of right' up until the date of application or, if such use has ceased prior to the making of the application, to fulfil one of the alternative criterion set out in sections 15(3) and 15(4) of the 2006 Act (as set out at paragraph 4 above).

50. In this case, there is no suggestion from the evidence submitted both in support of and in objection to the application that the use of the land by the local residents for the purposes of informal recreation has ceased prior to the making of the application. As discussed above, the Notice erected by the Parish Council has little impact upon use of the land 'as of right'.

51. Therefore, it appears that use of the land 'as of right' has continued up until the date of application and as such it is not necessary to consider the other tests set out in sections 15(3) and 15(4) of the Act.

Conclusion

52. It is clear from the evidence submitted in support of the application that the application site has been used by a significant number of the residents of the locality for the purposes of lawful sports and pastimes over a considerable period. However, as discussed above, it would appear that such use has been in exercise of the public statutory trust created by the Public Health Act 1875; it has been 'by right' and not 'as of right'.

53. It is therefore concluded that the legal tests concerning the registration of the land as a Town or Village Green (as set out above) have not been met.

Recommendations

54. I recommend that the County Council informs the applicant that the application to register the land known as King George Playing Field at Hawkhurst has not been accepted.

Accountable Officer:

Dr. Linda Davies – Tel: 01622 221500 or Email: linda.davies@kent.gov.uk

Case Officer:

Miss. Melanie McNeir – Tel: 01622 221511 or Email: melanie.mcneir@kent.gov.uk

The main file is available for viewing on request at the Countryside Access Service, Invicta House, County Hall, Maidstone. Please contact the case officer for further details.

Background documents

APPENDIX A – Plan showing application site

APPENDIX B – Copy of application form

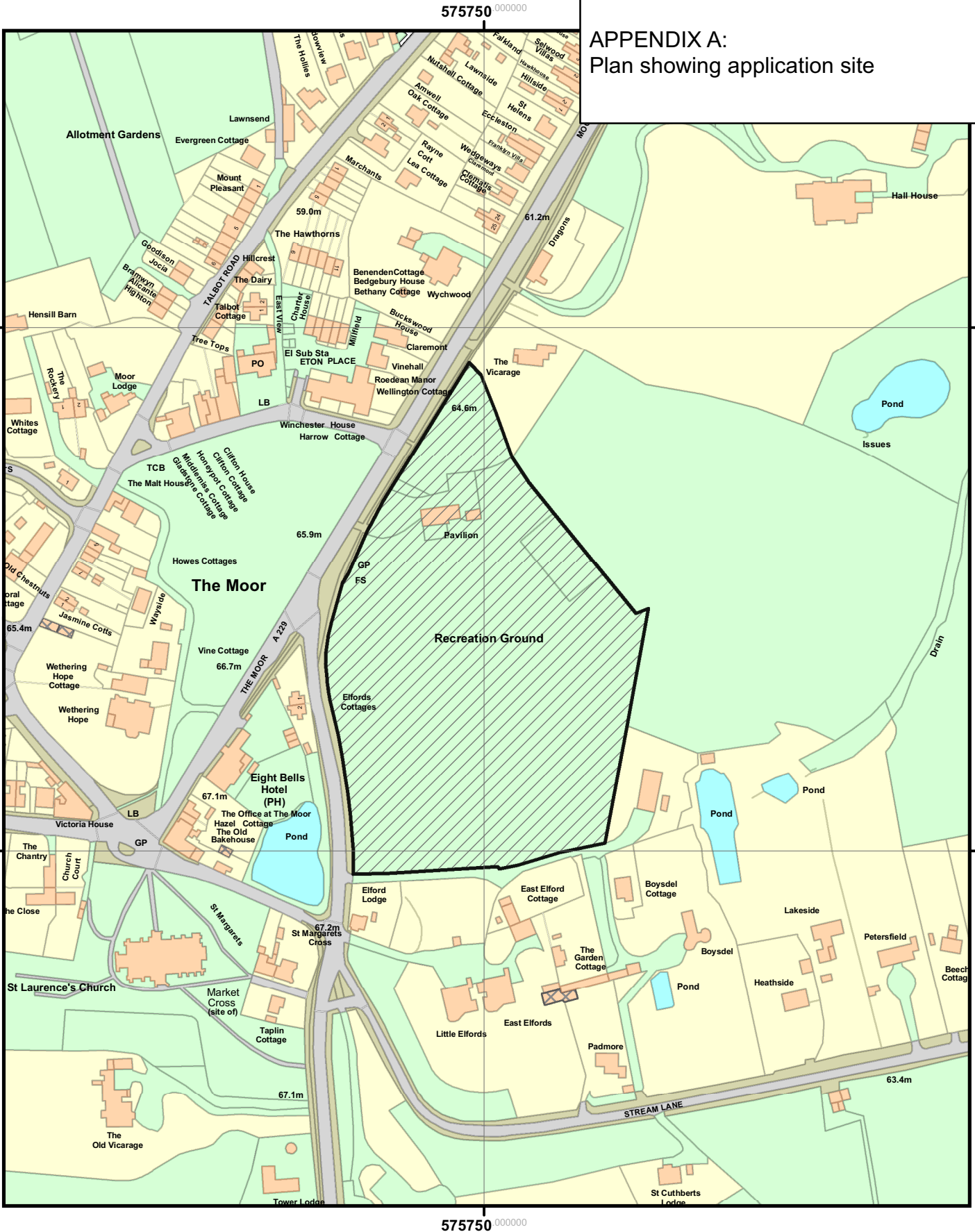
APPENDIX C – Table summarising user evidence

APPENDIX D – Copy of conveyance dated 3rd June 1935

APPENDIX E – Notice displayed in Sports Pavillion on the application site

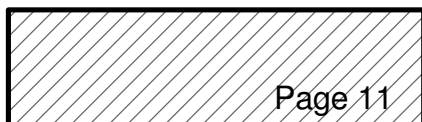
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APPENDIX A:
Plan showing application site



Scale 1:2500

Application to register land known as
King George Playing Field in the parish
of Hawkhurst as a new Village Green



Page 11



Commons Act 2006: section 15

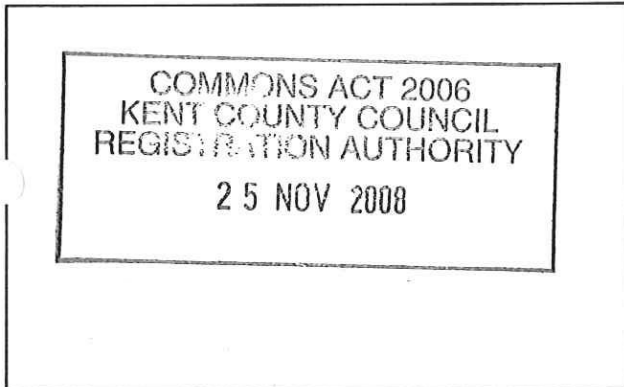
Application for the registration of land
as a new Town or Village Green



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:

Application number:



605

VG number allocated at registration
(if application is successful):

[Empty box for VG number]

Note to applicants

Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers):
Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1-6 and 10-12.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete parts 7 and 8. Any person can apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete part 9. Only the owner of the land can apply under section 15(8).
- There is no fee for applications under section 15.

Note 1
Insert name of Commons
Registration Authority

1. Commons Registration Authority

To the:

KENT COUNTY COUNCIL

Note 2

If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email. If part 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name: MRS. J. WOOD MR. D.J. BUCKLE MR. R. SHEATH

Full postal address:
(incl. Postcode) THORPES FARM THE FALT HS 1, STREAM LANE
HAWKHURST THE FLOOR COTTS,
KENT TN184RD HAWKHURST STREAM LANE
KENT TN184RX HAWKHURST HAWKHURST
KENT TN184RF

Telephone number:
(incl. national dialling code) 01580 753368

Fax number:
(incl. national dialling code)

E-mail address:

Note 3

This part should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email.

3. Name and address of representative, if any

Name:

Firm:

Full postal address:
(incl. Postcode)

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 9 to the Commons Registration (England) Regulations 2008.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5. Application made under section 15(8):

If the application is made under section 15(1) of the Act, please tick one of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

**Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

If section 15(3) or (4) applies, please indicate the date on which you consider that use 'as of right' ended and why:

If section 15(6)* is being relied upon in determining the period of 20 years, indicate the period of statutory closure (if any) which needs to be disregarded:

Note 5

This part is to identify the new green. The accompanying map must be at a scale of at least 1:2,500 and shows the land by means of distinctive colouring within an accurately identified boundary. State the Land Registry title number where known.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

KING GEORGE PLAYING FIELD

Location:

THE MOOR HAWKHURST

Common Land register unit number (only if the land is already registered Common Land):

Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500):

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly at a scale of 1:10,000.

6. Locality or neighbourhood within a locality in respect of which the application is made

Indicate the locality (or neighbourhood within the locality) to which the claimed green relates by writing the administrative area or geographical area by name below and/or by attaching a map on which the area is clearly marked:

THE MOOR
HAWKHURST

Please tick here if a map is attached (at a scale of 1:10,000):

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

7. Justification for application to register the land as a Town or Village Green

To ensure the King George Playing Field remains in its entirety as at present, Available to the community for football, tennis and all other sporting and recreational activities
"As of right"

Note 8

Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

8. Name and address of every person whom the applicant believes to be an owner, lessee, proprietor of any "relevant charge", tenant or occupier of any part of the land claimed to be a town or village green

Trustees:-
The King George Fields in association with The National Playing Field Assoc
2A, Woodstock Studios
36, Woodstock Grove.
LONDON W12 8LE
Administered by Hawkhurst Parish Council who take the fees for use by the football clubs and any pavillion bookings.

Note 9

List or enter in the form all such declarations that accompany the application. This can include any written declarations sent to the applicant (i.e. a letter), and also any such declarations made on the form itself.

9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land

N/A

Note 10

List all supporting consents, documents and maps accompanying the application. Evidence of ownership of the land must be included for voluntarily registration applications. There is no need to submit copies of documents issued by the Registration Authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

10. Supporting documentation

1 map 1:2500 showing site.
19 evidence of Support questionnaires
1 photo 1950's. must have been taken
copy of wording on gate plaque,
dated some time ago.
Copies of photographs and
pertinent excerpts from a book:-
"The Old Bird and the Cherry Pickers
(Acentuary of Socios in Hawke's Bay)
by. D.D. Saunders"

Note 11

List any other matters which should be brought to the attention of the Registration Authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

11. Any other information relating to the application

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

12. Signature

Signature(s) of applicant(s):

James Wood
J. Buchell
[Signature]

Date:

November 24th 2008

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

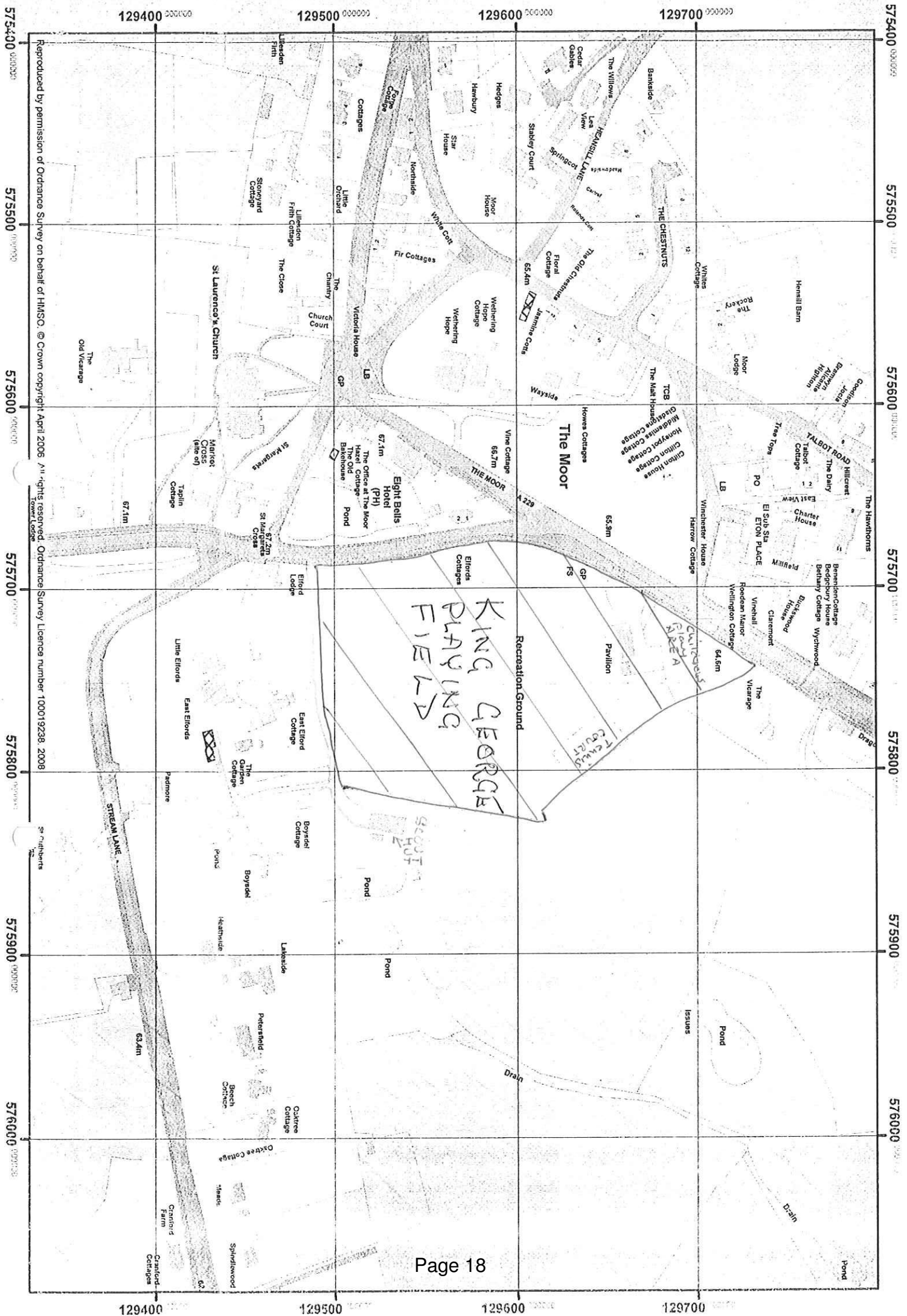
Please send your completed application form to:

**The Commons Registration Team
Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX**

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the Commons Registration Authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.



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APPENDIX C:
Table summarising user evidence

NAME	PERIOD OF USE	ACTIVITIES	FREQUENCY OF USE	CHALLENGES/ DETERRENTS TO USE AND OTHER COMMENTS
Mrs. J. Ades	1953 – 2008 (55 years)	Playing with grandchildren, attending village fetes and playgroup fetes	Occasional	None. The land is used for a variety of activities on a daily basis, including football, cricket, tennis, children playing and fetes. The land is also used for organised football matches.
Mr. D. Axford	1956 – 2008 (52 years)	Played Football on the land with Hawkurst United Football Club for 20 years. Also for taking children and grandchildren onto the land for recreation.	Weekly in the past but now occasionally	None. Used for a variety of sporting activities (as above).
Mr. D. Buckle	1964 – 2008 (44 years)	Cricket, rugby, football, rounders, kite flying. Also used the land when running a weekly youth club in the village.	Monthly now, but more frequently in the past	None. The land is a much-used and important public play area. It is large enough to accommodate formal sports activities without preventing informal games and activities at the same time.
Mrs. A. Buss	1938 – 2008 (70 years)	Walking and taking children to use play area	Occasionally	There has been a 'no dogs' notice on the land in recent years.
Mr. G. Chandler	1964 – 2008 (44 years)	Used with football club, attended summer fete and took children to play area	Weekly	None.
Mr. K. Collins	1945 – 2008 (43 years)	Football, cricket, athletics, general recreation, picnics, school sports, use of play area	Daily as a child, weekly as a parent and monthly latterly	None. The land is used by other people for a number of recreational activities including athletics, fun runs, children playing in the play area. Also used by play group.
Mrs. J. Ditton	1950 – 2008 (58 years)	Watching family members playing football and cricket, playing with children and grandchildren	Weekly	None.
Mr. A. Eastwood	1997 – 2008 (11 years)	Watching football, using children's play area	Occasionally	None.
Mr. and Mrs. Golding	1947 – 2008 (61 years)	Recreation, sports	Occasionally	None. Used by other people for various activities on a daily basis
Mr. R. Lovewell	1975 – 2008 (33 years)	Football, cricket, taking children to playground	Occasionally	None.

Mr. B. Piper	1935 – 2008 (73 years)	Flying model airplanes and kites, casual leisure walking	Occasionally	None
Mr. O. Reynolds	1940 – 2008 (68 years)	Football, cricket	Occasionally	None. Used for village fete.
Mrs. L. Rhodes	1955 – 2008 (53 years)	Watching family play football, tennis, play area, picnics, general recreation, teaching children to ride bikes.	Weekly	None. Has used playing field for entire life, it has always been a large open, safe area to run and play at any time. It has always been there for anyone to use at any time.
Mr. and Mrs. Richards	1948 – 2008 (60 years)	Playing football when younger, then took own children there and now grandchildren.	Weekly	None.
Mr. C. Saunders	1947 – 1987 (40 years)	Football, cricket, rounders, tennis, fun run	Daily during school years, then weekly	None.
Mr. J. Sheath	1985 – 2008 (23 years)	Walking, football, basketball, tennis, using children's play area	Weekly	None.
Mr. R. Sheath	1958 – 2008 (50 years)	Waling, taking children, relaxation	Weekly	None. This area of public land has had public access since 1937.
Mrs. B. Winch	1957 – 2008 (51 years)	Playing with children, tennis, socialising	Occasionally	None.
Mrs. J. Wood	1964 – 2008 (44 years)	Walking, attending fetes,	Monthly	None. The land is used for a variety of activities, there is always something going on or somebody about. The land has been a much used open space for the community to use in many different ways.



This Conveyance

is made the *third* day of *June* One thousand

nine hundred and Thirty-five B E T W E E N MELVILLE JOSEPH HARDCASTLE of Hatcham House, Hawkhurst in the County of Kent Gentleman (hereinafter called "the Donor") of the one part and THE PARISH COUNCIL OF HAWKHURST in the said County of Kent (hereinafter called "the Council") of the other part.

W H E R E A S the Council has Authority under the Local Government Act One thousand eight hundred and Ninety-four to acquire land for the purpose or purposes of a Recreation Ground.

AND WHEREAS the land hereinafter assured is required by the Council for the purpose or purposes of a Recreation Ground and it is intended that the said land shall be dedicated to the use of the Public solely for the purpose of recreation.

AND WHEREAS under or by virtue of the Mortmain and Charitable Uses Act Amendment Act One thousand eight hundred and Ninety-two the Council may acquire the land hereinafter assured without licence in mortmain and without the necessity of complying with the provisions of Parts I and II of the Mortmain and Charitable Uses Act One thousand eight hundred and Eighty-eight.

AND WHEREAS the Donor is seised in fee simple in possession free from incumbrances of the land and hereditaments hereinafter described but subject to the easements stipulations and restrictions hereinafter mentioned and is desirous freely and absolutely of conveying to the Council the land hereinafter assured for the purpose or purposes aforesaid.

N O W THIS DEED W I T N E S S E T H as follows:—

1. THE DONOR as Settlor hereby freely and voluntarily and without valuable consideration conveys unto the Council ALL THAT piece or parcel of land situate at The Moor and part of Elford's, Hawkhurst in the said County of Kent containing Six acres or thereabouts and being parts of Fields Numbers 1042 and 1042A and for the purpose of identification only delineated and edged Pink on the plan attached hereto TOGETHER with the benefit of a covenant contained in a Conveyance dated the Twenty-eighth day of April One thousand nine hundred and Thirty-one and made between

1305

George Ticehurst of the one part and Sophia Hope Gorham of the other ***
part whereby the said George Ticehurst covenanted not to build or erect
anything whatsoever on the land edged Green on the said plan TO HOLD the
same unto the Council in fee simple for the purpose or purposes of a ***
within Section Sixty-nine of the Public Health Act 1925
Recreation Ground/Subject nevertheless to -

(i) a right of passage of soil and water through the existing drains +
from Elford's Lodge and the two Cottages and Pond on the opposite side of
the road and from all other property (if any) as at present enjoyed.

(ii) the stipulations and restrictions contained in the First Schedule
to the said Conveyance dated the Twenty-eighth day of April One thousand
nine hundred and Thirty-one.

2. THE Council hereby for itself and its assigns covenants with the ****
Donor -

(a) That no buildings of any type or description shall at any time
hereafter be erected on the said piece of land or any part thereof ****
except such buildings as shall be suitable for the purpose of the *****
Recreation Ground and that no advertisements of any kind whatsoever ****
shall be displayed on the said piece of land or on any part thereof or +
on any building or erection thereon.

(b) That they will not at any time hereafter permit or allow games
or sports of any sort or kind whatsoever to be played or held on the **
said piece of land or any part thereof on Sundays or Good Fridays.

(c) At all times hereafter to duly observe and perform the restric-
tions and stipulations contained in the said Conveyance dated the *****
Twenty-eighth day of April One thousand nine hundred and Thirty-one so +
far as the same are still subsisting and capable of taking effect and to
indemnify the Donor and his estate and effects from and against any ***
breach or non-observance thereof.

W. J. H. I N W I T N E S S whereof the ^{Donor} ~~Vendor~~ has hereunto set his
hand and seal and *Jesse William Sartin* the Chairman presiding at
a Meeting of the said Parish Council and *Maria Alexandra Blayton Jones*
and *William Morley* two other members of the said Parish
Council have at the said Meeting for and on behalf of the said Parish +
Council set their hands and seals the day and year first ***

111

before written.

SIGNED SEALED AND DELIVERED)
by the before-named Melville)
Joseph Hardcastle in the ++)
presence of: -)

with Township Proprietors
1. B. J. ... Temple Bldg.
London, W.C.2.

Bank Agents.

M. Hardcastle

J. Melville

M. Clayton Jones

William Morley

SIGNED SEALED AND DELIVERED at)
a Meeting of the said Parish +)
Council held on the *Third*)
day of *June* 1935, by the)
above-named *Jesse Williams Sander*)
the Chairman presiding at the)
said Meeting and the above- ++)
named *Maurice Alexander Clayton Jones*)
and *William Morley (Convenor)*)
members of the said Council in)
the presence of: -)

J. H. Duncanson

Clerk to the said Parish Council.

**APPENDIX E:
Notice displayed in Sports Pavilion
on the application site**

PARISH COUNCIL OF HAWKHURST

Meas Down Meadows, Uffley

Office at The Moor

Hawkhurst
Kent, TN18 4NY



Telephone: 01580 752058
Fax: 01580 752058

Telephone: 01580 752058
Fax: 01580 752058

KING GEORGE V PLAYING
FIELD, THE MOOR.
THIS RECREATION AREA IS THE
PROPERTY OF THE KING
GEORGE V PLAYING FIELD
TRUST WHO GIVE CONSENT
FOR THE LAWFUL USE OF THE
LAND FOR RECREATIONAL
PURPOSES.

THE TRUSTEES ARE THE
MEMBERS OF HAWKHURST
PARISH COUNCIL.

November 2008.

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Application to register land at Chart Corner in the parish of Chart Sutton as a new Village Green

A report by the Director of Environment and Waste to Kent County Council's Regulation Committee Member Panel on Friday 19th February 2010

Recommendation: I recommend that the County Council informs the applicant that the application to register the land at Chart Corner in the parish of Chart Sutton has been accepted, insofar as it relates to land owned by the Parish Council, and that the land shown hatched at Appendix D be formally registered as a Village Green.

Local Members: Mr. E. Hotson

Unrestricted item

Introduction

1. The County Council has received an application to register land at Chart Corner in the parish of Chart Sutton as a new Village Green from the Chart Sutton Parish Council ("the applicant"). The application, dated 12th December 2008, was allocated the application number VGA606. A plan of the site is shown at **Appendix A** to this report and a copy of the application form is attached at **Appendix B**.

Procedure

2. Traditionally, town and village greens have derived from customary law and until recently it was only possible to register land as a new village green where certain qualifying criteria were met: i.e. where it could be shown that the land in question had been used 'as of right' for recreational purposes by the local residents for a period of at least 20 years.
3. However, a new provision has been introduced by the Commons Act 2006 which enables the owner of any land to apply to voluntarily register the land as a new Village Green without having to meet the qualifying criteria. Section 15 states:

"(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land."
4. Land which is voluntarily registered as a Village Green under section 15(8) of the Commons Act 2006 enjoys the same level of statutory protection as that of all other registered greens and local people will have a guaranteed right to use the land for informal recreational purposes in perpetuity. This means that once the land is registered it cannot be removed from the formal Register of Town or Village Greens (other than by statutory process) and must be kept free of development or other encroachments.

5. As a standard procedure set out in the Commons Registration (England Regulations 2008, the County Council must also publicise the application in a newspaper circulating in the local area and put a copy of the Notice on its own website. The publicity must state a period of at least six weeks during which objections and representations can be made. In addition, the County Council is required to notify all local Councils of the application.
6. In determining the application, the County Council must consider very carefully the relevant legal tests. In the present case, it must be satisfied that the applicant is the owner of the land and that any necessary consents have been obtained (e.g. from a tenant or the owner of a relevant charge). Provided that these tests are met, then the County Council is under a duty to grant the application and register the land as a Village Green.

The Case

Description of the land

7. The area of land subject to this application (“the application site”) consists of a roughly rectangular shaped area of landscaped open space of approximately 0.1 acre in size situated adjacent to Warmlake Road in the village of Chart Sutton. The application site is bounded on its northern side by boundary fencing and on the remaining three sides by a low post and chain fence. It consists of an area of grass with several trees, and it is equipped with several benches and litter bins and the parish sign. Photographs of the site are attached at **Appendix C**.

Notice of Application

8. As required by the regulations, notice of the application was published in the Kent Messenger on Friday 26th June 2009 and placed on the County Council’s website. In addition, copies of the notice were displayed on the application site itself and served on Maidstone Borough Council. The local County Member was also informed of the application.
9. In response to the Notice of Application, one letter of support has been received from Cllr. M. Fitzgerald. Cllr. Fitzgerald states that it is the only communal space in the centre of the village and serves as a focal and meeting point for the residents.

Ownership of the land

10. A Land Registry search has been undertaken to confirm the ownership of the application site. The search revealed that although the significant majority of the application site is owned by Chart Sutton Parish Council (under title number K341999), a small section of the land does not have any registered owner and two other sections are not within the ownership of the Parish Council. The ownership of the application site is shown on the plan at **Appendix D**.
11. Part of the land (shown dotted on the plan) is unregistered with the Land Registry and has no known landowner. Since there is no landowner capable of dedicating

the land as a new Village Green, it is not possible for the land to be registered as a Village Green under section 15(8) of the Commons Act 2006.

12. Similarly, a strip of land at the northern part of the site, which is approximately 2.5 metres wide, (shown cross-hatched on the plan) is not within the Parish Council's ownership and is owned by two private individuals. Without the consent of these individuals, it is not possible for the land to be registered as a new Village Green. The Parish Council has therefore requested that this area be excluded from the area to be registered as a new Village Green.
13. Therefore, the extent of the area of land which is capable of registration as a new Village Green according to the legal requirements of section 15(8) of the Commons Act 2006 is shown hatched on the plan.
14. The fact that part of the application site is not entirely under the Parish Council's ownership is not detrimental to the application itself. In the *Oxfordshire*¹ case, Lord Hoffman endorsed the Court of Appeal's suggestion that the Registration Authority is entitled to amend an application and register a smaller area than that applied for.

The 'locality'

15. DEFRA's view is that once land is registered as a Village Green, only the residents of the locality have the legal right to use the land for the purposes of lawful sports and pastimes. It is therefore necessary to identify the locality in which the users of the land reside. At Part 6 of the application, the locality is defined as 'the parish of Chart Sutton in the Boughton Monchelsea and Chart Sutton ward'.
16. A locality for these purposes normally consists of a recognised administrative area (e.g. civil parish or electoral ward) or a cohesive entity (such as a village or housing estate). Since the application has been made by Chart Sutton Parish Council, it seems appropriate that the locality should therefore be the parish of Chart Sutton so that all the residents of the village have the legal right to use the land.

Other matters

17. Members will note from the photographs at **Appendix C** that there is a bus shelter on the application site. It is not considered appropriate for the bus shelter to be registered as part of a new Village Green. Village Greens are heavily protected by Victorian statues which make it an offence to deposit materials on the surface, to encroach or to erect structures upon a Village Green. If the bus shelter were to fall into a state of disrepair in the future, Village Green status would make it difficult for the structure to be rebuilt. Therefore, to avoid any potential problems arising in the future, it is preferable to exclude the bus shelter from the registration of the land as a new Village Green. The Parish Council has agreed that this should be the case.

¹ *Oxfordshire County Council v Oxford City Council* [2006] UKHL 25 at paragraph 62

Conclusion

18. As stated at paragraph 3 above, the relevant criteria for the voluntary registration of land as a new Village Green under section 15(8) of the Commons Act 2006 requires only that the County Council is satisfied that the land is owned by the applicant. There is no need for the applicant to demonstrate use of the land 'as of right' for the purposes of lawful sports and pastimes over a particular period.
19. I have concluded that all the necessary criteria concerning the voluntary registration of the land as a Village Green have been met in relation to the greater part of the application site that is owned by Chart Sutton Parish Council.
20. If the County Council decides to register the land as a Village Green, in order to comply with the legal requirements, the sections of the application site that are not within the ownership of the Parish Council should be excluded from the registration. As discussed at paragraph 17 above, the bus shelter should also be excluded from registration.

Recommendation

21. I recommend that the County Council informs the applicant that the application to register the land at Chart Corner in the parish of Chart Sutton has been accepted, insofar as it relates to land owned by the Parish Council, and that the land shown hatched at Appendix D be formally registered as a Village Green.

Accountable Officer:

Dr. Linda Davies – Tel: 01622 221500 or Email: linda.davies@kent.gov.uk

Case Officer:

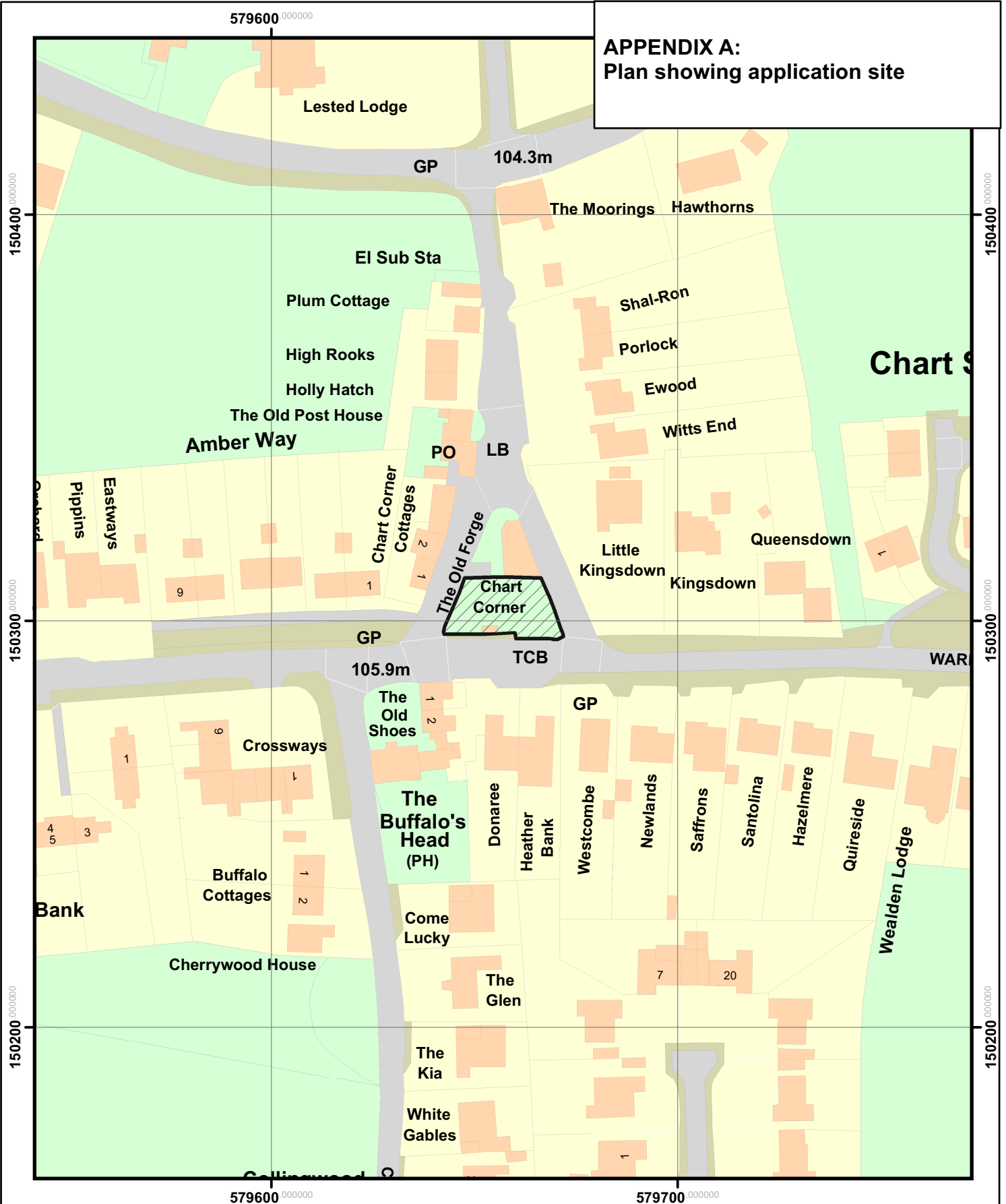
Miss. Melanie McNeir – Tel: 01622 221628 or Email: melanie.mcneir@kent.gov.uk

The main file is available for viewing on request at the Environment and Waste Division, Environment and Regeneration Directorate, Invicta House, County Hall, Maidstone. Please contact the case officer for further details.

Background documents

- APPENDIX A – Plan showing application site
- APPENDIX B – Copy of application form
- APPENDIX C – Photographs of the application site
- APPENDIX D – Plan showing land ownership

**APPENDIX A:
Plan showing application site**



Scale 1:1250

**Application to register land at
Chart Corner in the parish of
Chart Sutton as a new Village Green**



Page 31



Commons Act 2006: section 15

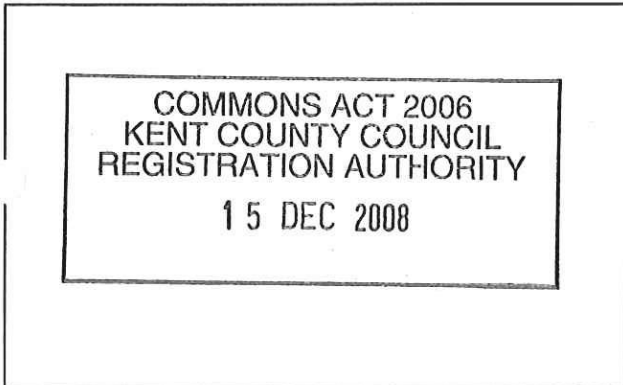
Application for the registration of land as a new Town or Village Green



This section is for office use only

Official stamp of the Registration Authority indicating date of receipt:

Application number:



606

VG number allocated at registration (if application is successful):

Note to applicants

Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers): Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1-6 and 10-12.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete parts 7 and 8. Any person can apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete part 9. Only the owner of the land can apply under section 15(8).
- There is no fee for applications under section 15.

Note 1
Insert name of Commons Registration Authority

1. Commons Registration Authority

To the: KENT COUNTY COUNCIL

Note 2

If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email. If part 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name: CHART SUTTON PARISH COUNCIL

Full postal address: THE FIRS
(incl. Postcode) CHARTWAY STREET
SUTTON VALENCE
ME17 3JA

Telephone number: 01622 842782
(incl. national dialling code)

Fax number: —
(incl. national dialling code)

E-mail address: clerk.cspc@tiscali.co.uk

Note 3

This part should be completed if representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email.

3. Name and address of representative, if any

Name:

Firm:

Full postal address:
(incl. Postcode)

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 9 to the Commons Registration (England) Regulations 2008.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5. Application made under section 15(8):

If the application is made under section 15(1) of the Act, please tick one of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies: Section 15(3) applies: Section 15(4) applies:

**Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

If section 15(3) or (4) applies, please indicate the date on which you consider that use 'as of right' ended and why:

If section 15(6)* is being relied upon in determining the period of 20 years, indicate the period of statutory closure (if any) which needs to be disregarded:

Note 5

This part is to identify the new green. The accompanying map must be at a scale of at least 1:2,500 and shows the land by means of distinctive colouring within an accurately identified boundary. State the Land Registry title number where known.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known: VILLAGE GREEN

Location: CHART CORNER
CHART SUTTON
ME17 3SB

Common Land register unit number (only if the land is already registered Common Land):

Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500):

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly at a scale of 1:10,000.

6. Locality or neighbourhood within a locality in respect of which the application is made

Indicate the locality (or neighbourhood within the locality) to which the claimed green relates by writing the administrative area or geographical area by name below and/or by attaching a map on which the area is clearly marked:

THE PARISH OF CHART SUTTON IN
BOUGHTON MONCHELSEA AND CHART SUTTON
WARDS; MAIDSTONE, KENT

Please tick here if a map is attached (at a scale of 1:10,000):

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

7. Justification for application to register the land as a Town or Village Green

Note 8

Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

8. Name and address of every person whom the applicant believes to be an owner, lessee, proprietor of any "relevant charge", tenant or occupier of any part of the land claimed to be a town or village green

Note 9

List or enter in the form all such declarations that accompany the application. This can include any written declarations sent to the applicant (i.e. a letter), and also any such declarations made on the form itself.

9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land

Note 10

List all supporting consents, documents and maps accompanying the application. Evidence of ownership of the land must be included for voluntarily registration applications. There is no need to submit copies of documents issued by the Registration Authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

10. Supporting documentation

- ① COPY OF OFFICIAL COPY OF LAND REGISTRY DETAILS INCLUDING MAP (EXHIBIT 1)
- ② MAP TO SCALE 1:1250 WITH AREA MARKED RED

Note 11

List any other matters which should be brought to the attention of the Registration Authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

11. Any other information relating to the application

NONE

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

12. Signature

Signature(s) of applicant(s):



Date: 12/12/08

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

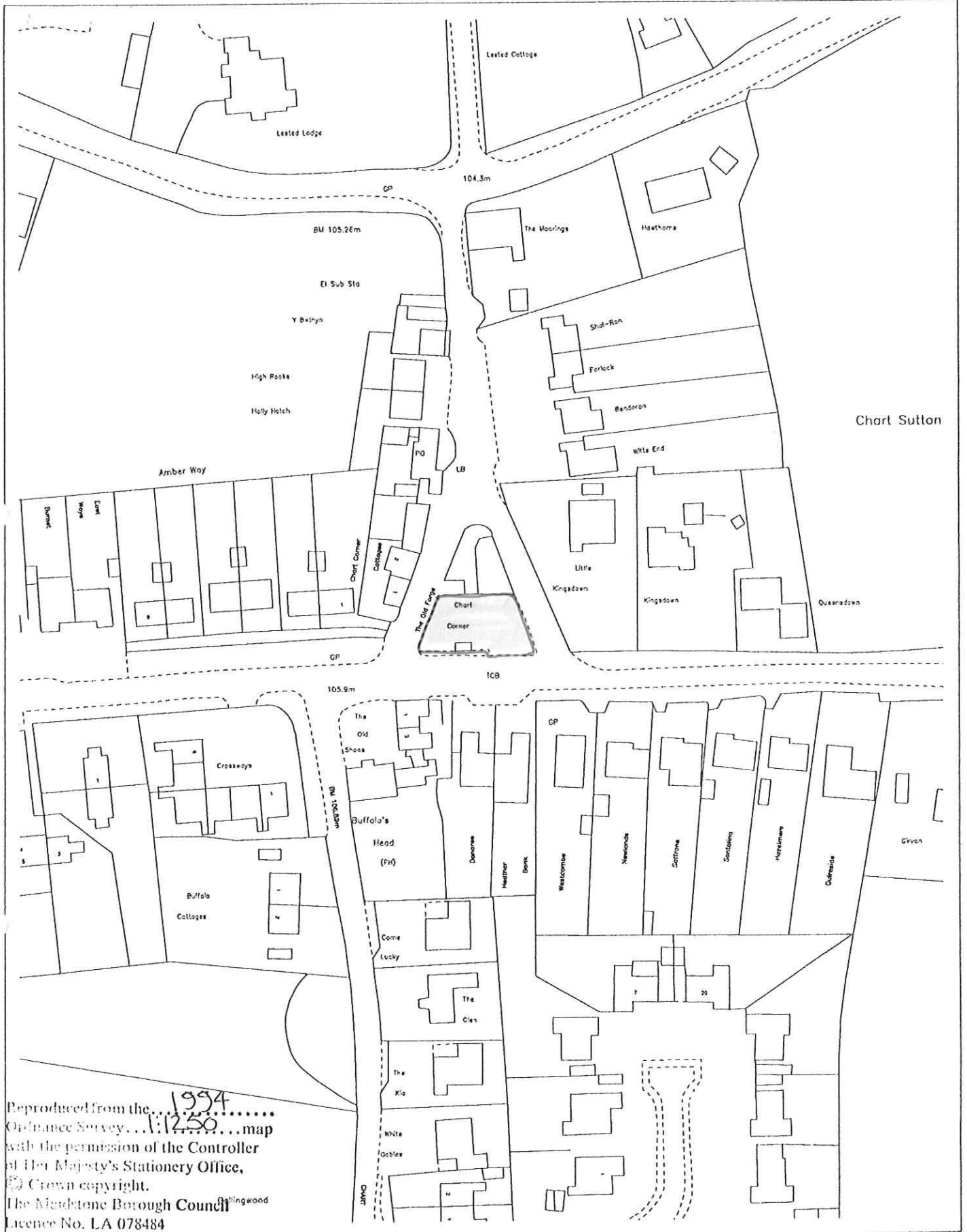
Please send your completed application form to:

**The Commons Registration Team
Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX**

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the Commons Registration Authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.



Reproduced from the ¹⁹³⁴ Ordnance Survey... map
 with the permission of the Controller
 of Her Majesty's Stationery Office,
 © Crown copyright.
 The Maidstone Borough Council
 Licence No. LA 078484

I certify that this is a copy of the original.

[Handwritten signature]

APPENDIX C:
Photographs showing application site

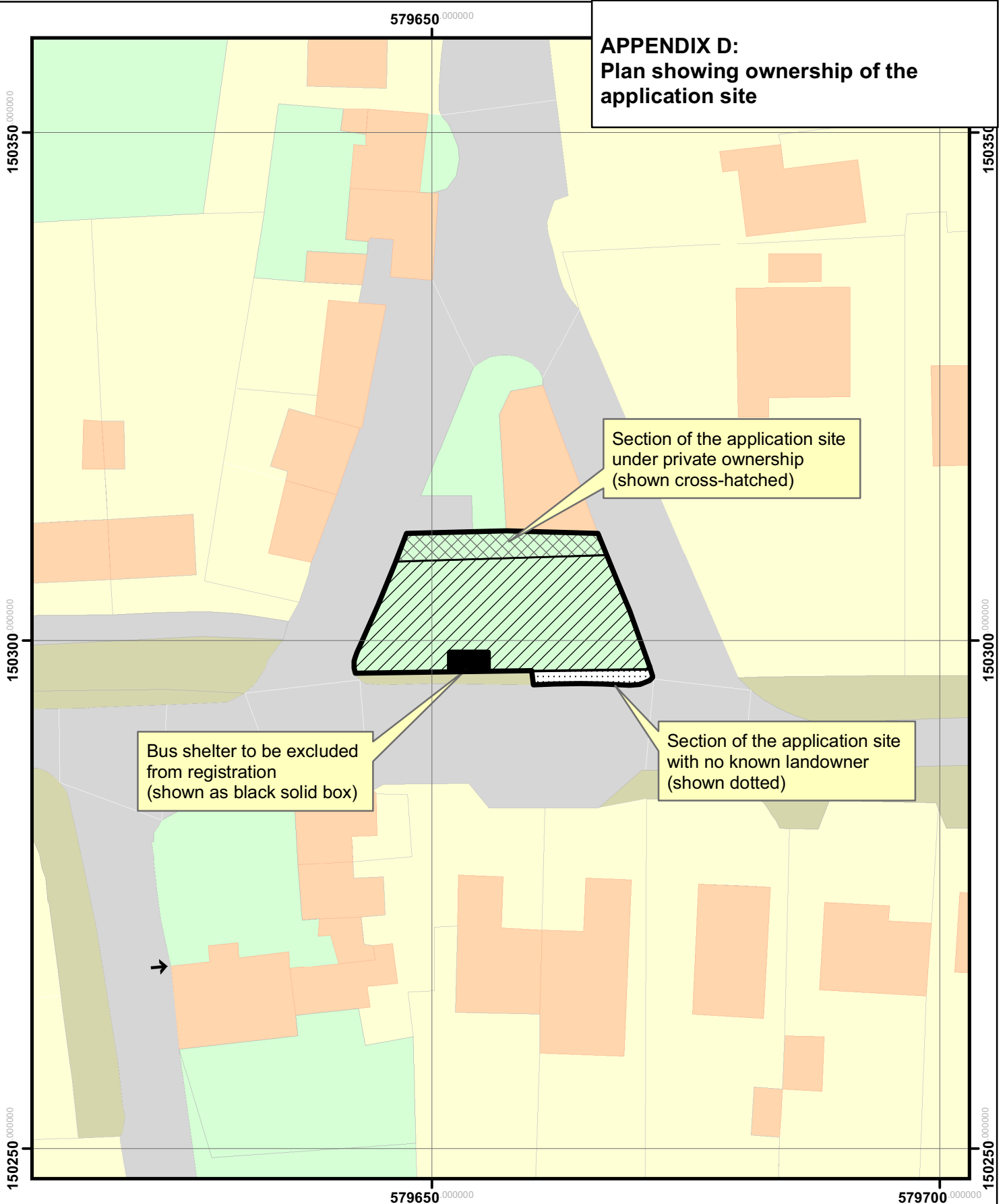


ABOVE: View from Warmlake Road (outside The Buffalo's Head) looking EAST

BELOW: View from Warmlake Road (outside 'Little Kingsdown') looking WEST



**APPENDIX D:
Plan showing ownership of the
application site**



Section of the application site
under private ownership
(shown cross-hatched)

Bus shelter to be excluded
from registration
(shown as black solid box)

Section of the application site
with no known landowner
(shown dotted)



Scale 1:250

Area of land subject
to application



Area of land capable
of registration

