



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Tuesday, 15th November, 2011, at 1.00 pm
Westgate Hall, Canterbury

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

Tea/Coffee will be available 15 minutes before the meeting

Membership

Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr H J Craske,
Mr S J G Koowaree and Mr R A Pascoe

UNRESTRICTED ITEMS

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

1. Membership and Substitutes
2. Declarations of Interest for Items on the Agenda
3. Application to register land at Woodland Road at Lyminge as a new Village Green (Pages 1 - 22)
4. Application to register land known as Seaton Meadow at Wickhambreaux as a new Village Green (Pages 23 - 52)
5. Other items which the Chairman decides are Urgent

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
(01622) 694002

Monday, 7 November 2011

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Application to register land at Woodland Road at Lyminge as a new Village Green

A report by the Head of Countryside Access to Kent County Council's Regulation Committee Member Panel on Tuesday 15th November 2011

Recommendation: I recommend that a non-statutory Public Inquiry be held into the case to clarify the issues

Local Members: Ms. S. Carey

Unrestricted item

Introduction

1. The County Council has received an application to register land at Woodland Road in the parish of Lyminge as a new Village Green from local resident Mr. S. Huntley ("the Applicant"). The application, dated 7th July 2010, was allocated the application number VGA628. 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 the Commons Registration (England) Regulations 2008.
3. Section 15 of the Commons Act 2006 enables any person to apply to a Commons Registration Authority to register land as a 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 2008 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 is referred to in the associated documentation by several names, including 'church field' and 'the bumpy field'. For the purposes of this report, it is referred to only as "the application site".
7. The application site consists of an area of open and uncultivated land of approximately 1.4 hectares (3.6 acres) in size situated adjacent to the village hall at Woodland Road in the parish of Lyminge. It is situated on a reasonably steep incline and access to it is via various recorded Public Rights of Way which cross the site (Public Footpaths HE54 and HE56, and Bridleway HE55).
8. The application site, and the Public Rights of Way, are shown in more detail on the plan at **Appendix A**.

The case

9. 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.
10. Included in the application were 85 user evidence questionnaires from local residents demonstrating use of the application site for a range of recreational activities for a period in excess of 20 years. A summary of the evidence in support of the application is attached at **Appendix C**.
11. In addition, letters of support from the Parish Council and the local Community Warden were also included with the application.

Consultations

12. Consultations have been carried out as required and the following comments have been received.
13. The Lyminge Parish Council wrote to express support for the application. The Parish Council stated that the application site had undoubtedly been open for use by members of the public in Lyminge for well over 20 years. Some local residents recall using it for more than 50 years. The land has, on occasion, been used for both grazing and car parking.
14. The Shepway District Council did not express any opinion either in support of or in opposition to the application. It stated only that District Council did not have any proprietary interest in the application site, which is in the ownership of the Tory Family Foundation.
15. A letter of support was also received from local resident Ms. C. Hughes, referring to her own recreational usage of the application site since 1989. She adds that she has observed many people using the land for horse riding, walking, mountain-

biking, skateboarding and tobogganing. The site has also been used for community events such as the millennium fireworks celebrations.

Landowner

16. The application site is owned by a registered charity known as the Tory Family Foundation (“the Foundation”) and is registered with the HM Land Registry under title number K674394.

17. An objection to the application has been received from Cripps Harries Hall solicitors, who act on behalf of the trustees of the Tory Family Foundation. The objection is made on the following grounds:

- That use of the land has not been such as to signify that the land has been in use by the residents of a specified locality;
- That the use of the land has been so infrequent and of such low intensity that its appearance was more akin to individuals using the land as trespassers rather than general community use;
- That a considerable amount of use was either ‘by right’ in exercise of the existing Public Rights of Way which cross the land or by virtue of permission granted by the landowner for specified community events;
- That any use of the application site for recreational purposes would have been interrupted on several occasions due to the use of the land for car parking, an archaeological dig and sheep grazing; and
- That any use of the application site for recreational purposes would not have been such as to suggest to a landowner that a right to recreate was being asserted by the local people.

18. In support of the objection, a statutory declaration from Mr. P. Tory, one of the trustees of the Tory Family Foundation, is provided. In it, Mr. Tory explains that he formed the Foundation as a charity with his father in 1984, and gifted the land forming the application site to the Foundation in 1988. Until 1993, the land was used by Mr. Tory (who also owned the nearby Court Lodge Farm) for sheep grazing, which involved daily visit by either Mr. Tory himself or one of his employees. Although it was apparent from these visits that the public used the recorded Public Rights of Way, general recreational use was not apparent. Over recent years, permission has been sought for various activities and, in the summer of 2010, part of the application site was cordoned off for a period of six weeks for the purpose of an archaeological dig.

19. Also included with the objection is a statutory declaration from the solicitor representing the Tory Family Foundation, Ms. A. Rogers, setting out examples of permission sought from the Village Hall Management Committee to use the application site. These include permission for bonfire celebrations in 2002 and for car parking in relation to Lyminge Day in 2003, 2006 and 2007.

Legal tests

20. 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 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)?*
- (e) *Whether use has taken place over period of twenty years or more?*

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

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

21. 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.
22. In this case, there is no suggestion that use of the application site for recreational purposes has been in exercise of force. Access to the application site is freely available from at least four points on the boundary of the site by virtue of the existence of the Public Rights of Way, and there is no evidence that the Public Rights of Way have ever been fenced off from the rest of the site so as to physically restrict use to the existing paths. No evidence has been submitted to suggest that general recreational use of the application site has ever been challenged by way of notices or by way of verbal challenges by the landowner.
23. Similarly, although the landowner disputes the frequency and manner of use (a point which will be addressed later on in the report), there is no evidence that recreational use of the application site has been in any way secretive.
24. The landowner contends that on some occasions use of the application site has been by virtue of the express permission of the landowner. Those occasions include use of the site for community events, either for bonfire night celebrations or car parking for the annual Lyminge Day celebrations. The applicant accepts this point, but argues that the application does not seek to rely on these events in support of the Village Green status. The general informal recreational activities referred to in the application have taken place 'as of right' and without the landowner's permission.

Public Rights of Way

25. The landowner's position is that a considerable amount of the recreational use of the application site is associated with the designated Public Rights of Way. In his statutory declaration, Mr. Tory states that during his visits to the application site, he was aware of members of the public making use of the Public Rights of Way crossing the application site, but he did not witness any use which exceeded the exercise of those Public Rights of Way.
26. Use of existing Public Rights of Way across land is not considered to be 'as of right' in the context of Village Green applications, because it is in exercise of an

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

existing right and would not have appeared to a reasonable landowner as the assertion of a right to indulge in lawful sports and pastimes on the application site.

27. Therefore, in cases where Public Rights of Way cross an application site, it is important to be able to differentiate between use which is pursuant to an existing right to walk or ride a horse along a defined route and use which is of a more general recreational nature. The issue was considered by the Courts in *Laing Homes*², in which the judge said that: *'it is important to distinguish between use that would suggest to a reasonable landowner that the users believed they were exercising a public right of way to walk, with or without dogs... and use that would suggest to such a landowner that the users believed that they were exercising a right to indulge in lawful sports and pastimes across the whole of the fields'*

28. The exercise of distinguishing between these different types of use is something that is very difficult to achieve on paper. It is a question of evidence that requires more detailed scrutiny, preferably by way of the cross examination of witnesses in a public forum.

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

29. 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 activities³.

30. 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'*⁴.

31. In this case, the evidence demonstrates that the land has been used for a number of recreational activities. The summary of evidence of use by local residents at **Appendix C** shows the full range of activities claimed to have taken place, which include cycling, fruit-picking, nature observation and tobogganing. There is also reference in the evidence to use of the application site for the purposes of organised community events, although it is probable that those events would have been the subject of permission from the landowner and thereby any use of the land associated with those events is likely to have been permissive.

32. However, by far the majority use of the application site has been for the purposes of walking (with or without dogs). As stated above, there is a question as to the degree of use which has been on the recorded Public Rights of Way which requires further clarification before a conclusion can be reached.

² *R (Laing Homes) v Buckinghamshire County Council* [2003] 3 EGLR 70 at 79 per Sullivan

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

⁴ *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, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

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

33. The right to use a Town or Village Green is restricted to the inhabitants of a locality, or of a neighbourhood within a locality, and it is therefore important to be able to define this area with a degree of accuracy so that the group of people to whom the recreational rights are attached can be identified.

“locality”

34. The definition of locality for the purposes of a Town or Village Green application has been the subject of much debate in the Courts. In the *Cheltenham Builders*⁵ 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’.

35. Further guidance in relation to the issue of locality is provided in the relevant Regulations, which require applicants to describe the locality upon which their case relies by reference to the name of a parish, electoral ward or other local administrative area⁶.

36. The Applicant specifies the locality at Part 6 of the application form as “the parish of Lyminge”. This is a qualifying locality for the purposes of Village Green registration. A plan showing the locality is attached at **Appendix D**.

“a significant number”

37. The word “significant” in this context does not mean considerable or substantial: ‘a neighbourhood may have a very limited population and a significant number of the inhabitants of such a neighbourhood might not be so great as to properly be described as a considerable or a substantial number... what matters is that the number of people using the land in question has to be sufficient to indicate that the land is in general use by the community for informal recreation rather than occasional use by individuals as trespassers’⁷. Thus, what constitutes a ‘significant number’ will depend upon the local environment and will vary in each case depending upon the location of the application site.

38. The landowner disputes that the application site has been of sufficient quantity to signify that the land has been in general use by the local community or to suggest that a right to recreate was being asserted by the residents of the locality. Rather, it is suggested by the landowner that general recreational use of the site for lawful sports and pastimes has been infrequent and of low-level intensity.

39. The applicant contends this assertion, stating that the photographs and letters submitted in support of the application provide clear evidence of the use of the

⁵ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

⁶ See paragraph 9 of Schedule 6 of the Commons Registration (England) Regulations 2008

⁷ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

application site for recreational purposes. A number of well-worn unofficial tracks that are not recorded Public Rights of Way are visible on aerial photographs of the site which, according to the applicant, indicate a high level of usage.

40. It difficult to reconcile the differences in the landowner's recollections and the user evidence adduced in support of the application by the applicant. The fact that the application is supported by 85 user evidence questionnaires, many from people asserting use on a daily or weekly basis, means that, on balance, it seems probable that the land has been used by a significant number of the residents of the locality.

(d) 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)?

41. 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.

42. In this case, there is no evidence of any direct challenge to the use of the application site for the purposes of lawful sports and pastimes by the local community. Therefore, it can be concluded that the use of the application site has continued up to, and in this case beyond, the date of the application.

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

43. 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. In this case, use of the application site 'as of right' is continuing and, as such, the relevant twenty-year period ("the material period") is calculated retrospectively from the date of the application, i.e. 1990 to 2010.

44. The user evidence summarised at **Appendix C** demonstrates that there has been use of the application site in excess of the last twenty years.

45. However, the landowner asserts that any use of the application site for lawful sports and pastimes would have been interrupted on several occasions, due to the use of the land for car parking, an archaeological dig and sheep grazing.

46. The applicant's position is that the use of the land for car parking lasted only approximately four hours on each occasion and was therefore an inconsequential interruption to use when considering the twenty year period as a whole. The archaeological dig, according to the applicant, took place after the application was made and is therefore of no relevance. With regard to the sheep grazing, the applicant states that this actually encouraged, rather than deterred, use of the application site as the grass was kept short, thereby making it more suitable for recreation.

47. Considering the evidence as a whole, it does not appear that the examples cited by the landowner would necessarily or materially have interrupted the recreational use of the land. In particular, the geography of the site and the existence of the Public Rights of Way would have significantly limited the areas of the application

site capable of use for car parking and, even if small parts of the application site were temporarily inaccessible, other sections would have been available for recreational use. Such interruptions to use as did occur during the relevant twenty year period would appear to have been occasional and sporadic, and consequently not of a substantial nature.

48. As such, it would appear that there has been use of the application site for a full period of no less than twenty years.

Conclusion

49. Although the relevant Regulations⁸ provide a framework for the initial stages of processing the application (e.g. advertising the application, dealing with objections etc), they provide little guidance with regard to the procedure that a Commons Registration Authority should follow in considering and determining the application. In recent times it has become relatively commonplace, in cases which are particularly emotive or where the application turns on disputed issues of fact, for Registration Authorities to conduct a non-statutory Public Inquiry⁹. This involves appointing an independent Inspector to hear the relevant evidence and report his/her findings back to the Registration Authority.

50. Such an approach has received positive approval by the Courts, most notably in the *Whitney*¹⁰ case in which Waller LJ said this: *'the registration authority has to consider both the interests of the landowner and the possible interest of the local inhabitants. That means that there should not be any presumption in favour of registration or any presumption against registration. It will mean that, in any case where there is a serious dispute, a registration authority will almost invariably need to appoint an independent expert to hold a public inquiry, and find the requisite facts, in order to obtain the proper advice before registration'*.

51. It is important to remember, as was famously quoted by the Judge in another High Court case¹¹, that *'it is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town green... [the relevant legal tests] must be 'properly and strictly proved'*. This means that it is of paramount importance for a Registration Authority to ensure that, before taking a decision, it has all of the relevant facts available upon which to base a sound decision. It should be recalled that the only means of appeal against the Registration Authority's decision is by way of a Judicial Review in the High Court.

52. In this case, nearly all of the witnesses refer to use of the application site for walking of some kind. Whilst recreational walking across the application site as a whole would count as qualifying use, some of the evidence cited by the recreational users of the application site refers to horse-riding and using the land as a shortcut to amenities. Due to the several Public Rights of Way which cross

⁸ Commons Registration (England) Regulations 2008

⁹ The Public Inquiry is referred to as being 'non-statutory' because the Commons Act 2006 does not expressly confer any powers on the Commons Registration Authority to hold a Public Inquiry.

However, Local Authorities do have a general power to do any thing to facilitate the discharge of any of their functions and this is contained in section 111 of the Local Government Act 1972.

¹⁰ *R (Whitney) v Commons Commissioners* [2004] EWCA Civ 951 at paragraph 66

¹¹ *R v Suffolk County Council, ex parte Steed* [1997] 1EGLR 131 at 134

the land, it is necessary to differentiate between those different types of walking in order to determine whether the use of the application site has been in a manner that is capable of giving rise to the registration of the land as a new Village Green. This is not an exercise which can be achieved on paper, and requires further and fuller examination of the evidence as a whole.

53. A Public Inquiry would not only facilitate this, but it would also allow the other issues disputed by the landowner to be tested, including the effect of the alleged interruptions to use and whether use has been by a significant number of local residents.

Recommendation

54. I recommend that a non-statutory Public Inquiry be held into the case to clarify the issues.

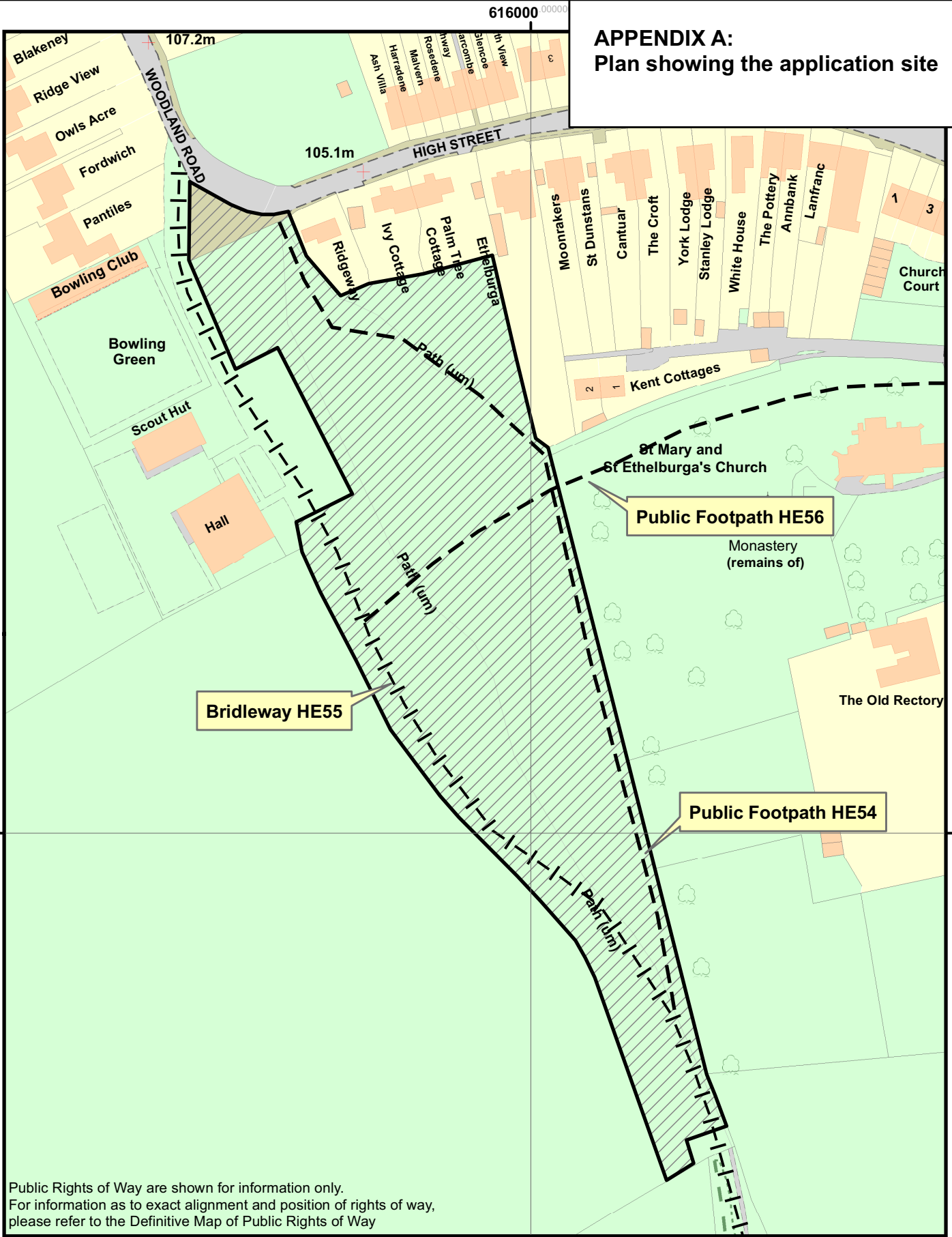
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| Accountable Officer: Mr. Mike Overbeke – Tel: 01622 221512 or Email: mike.overbeke@kent.gov.uk Case Officer: Miss. Melanie McNeir – Tel: 01622 221628 or Email: melanie.mcneir@kent.gov.uk |
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| The 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. |
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Background documents

- APPENDIX A – Plan showing application site
- APPENDIX B – Copy of application form
- APPENDIX C – Table summarising user evidence
- APPENDIX D – Plan showing the locality

**APPENDIX A:
Plan showing the application site**



Public Rights of Way are shown for information only.
For information as to exact alignment and position of rights of way,
please refer to the Definitive Map of Public Rights of Way



**Land subject to Village Green application at
Woodland Road, Lyminge**



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:

| |
|---|
| <p>COMMONS ACT 2006 KENT COUNTY COUNCIL REGISTRATION AUTHORITY 12 JUL 2010</p> |
|---|

Application number:

| |
|--------|
| VGA628 |
|--------|

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
SESSIONS HOUSE
COUNTY ROAD
MAIDSTONE
ME14 1XQ

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: STEPHEN DENNIS HUNTLEY

Full postal address:
(incl. Postcode)

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

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:

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

*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(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: *The Green, The Bumpy Field, Court Lodge Green.*

Location: *LAND REGISTRY STATES 'LAND ON THE SOUTH WEST SIDE OF WOODLAND ROAD, LYMINGE'*

LAND REGISTRY TITLE NUMBER: K 674394

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):
(Included in Land Registry details)

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:

In the parish of Lyminge.

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

The Green, Lyminge, is used on a daily basis by a significant number of local people, and it represents an important recreational amenity for the village.

It has been used by parishioners for generations, with the use of it regarded as a right, and therefore this application is being made to secure that right for future generations.

The field is known by many names, most popularly "The Green", but also affectionately as "The Bumpy Field", and "Hump and Bumps". These names reflect the unique topography of the field, which is not only on a slope, but contains many interesting dips, hollows, ridges and historical earthworks.

These features give The Green its unique charm, where children play, make camps, ride bikes and go sledging in the winter. Walkers, dog walkers, runners and horse riders use the land daily, not only adhering to the footpaths, but using the expanse of the area.

Permission is not sought from the landowners for these uses, and use has never been denied.

The Green also contains the only old pond in the village. This seasonal pond adds to the amenity and habitat value of the field.

This application is supported by witness statements (see enclosed questionnaires) and a separate 'Justification report' document enclosed.

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

According to the Land Registry Title Plan K674394 (enclosed), the owners are: Peter Nettlam Tory, Susan Amanda Rice, and James Nettlam Tory, all of Etchinghill.

The Property Register also makes reference to a charity known as "The Tory Family Foundation".

It is believed that the owners can be contacted via: The Estate office, Etchinghill Golf Course, Etchinghill.

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

Enclosed with this application are

- A copy of the Land Registry Register for Title Number K674394 including a 1:2,500 scale plan.
- A document entitled "Justification for the application to register 'The Green', Lynginge, as a Village Green – information to support Question 7 of form CA9".
- A copy of a 1:25,000 map annotated with the indicative locations of the homes of questionnaire respondents.
- In excess of 50 completed "Evidence Questionnaires in Support of Village Green Application".

It should be noted that additional completed questionnaires will be sent to the Commons Registration Authority at a later date.

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

It is believed that at least two of the owners of the field (as listed in the Land Registry papers) are Directors of at least one property development company known as Pentland Homes Ltd, Pentland Properties Ltd, or similar.

Note 12

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

12. Signature

Signature(s) of applicant(s):

Date: 5th July 2010.**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.

**APPENDIX C:
Summary of user evidence**

| NAME | PERIOD OF USE | ACTIVITIES | FREQUENCY OF USE | COMMENTS |
|------------------|----------------------|---|---------------------------------|--|
| Adam Woodbridge | 29 years | Walking, sledging, playing as child, cycling, dog walking | Weekly | Seen others daily walking, playing, picnics. |
| Gill Clitheroe | 24 years | Walking, playing with children, tobogganing, enjoying views | Daily, now weekly | Seen other use daily: playing, dog walking, cycling, on way to shops and school. It's a local amenity. |
| Brett Clitheroe | 23 years | Family walks, playing with children, fireworks, nature walks, accessing village | Daily | People socialise, play, walk, cycle, access village halls etc. One of most used public spaces in village |
| Mr & Mrs Norton | 17 years | Walking & dog walking, use shortcut to village | Weekly | Outstanding area of beauty for village. Seen other use daily |
| Joan White | 40 years | Walking, horse riding on bridleway | Daily, then weekly, now monthly | Seen others playing, walking, tobogganing, socialising |
| Mrs S Jones | 39 years | Walking with children & grandchildren, sketching, | Weekly/monthly | Seen others playing, walking, sledging |
| John Steward | 50 years | Walking, dog walking, sketching | Occasionally | Seen others walking, dog walking, playing, fireworks display, sledging. Always been widely viewed as village facility |
| G Wren | 53 years | Walking with grandchildren, sledging, walking dog | Occasionally | Seen other use daily |
| J Betts | 67 years | Dog walking, horse riding, scout games, school games | Occasionally | Seen other use daily; walking, games, riding |
| Mr & Mrs D Hall | 35 years | Monthly parish walks, dog walking, horse riding, village activities | Daily/weekly | Seen other use daily, playing, walking, village activities |
| Paul Woodbridge | 30 years | Dog walking, sledging, mountain biking | Daily | Seen other use daily, walking, horse riding, |
| Mr & Mrs Coldup | 50 years | Walking, children playing, sledging | Occasionally | Others riding, walking |
| M Fentiman | 6 ½ years | Walking | Occasionally | See others walking |
| Mr & Mrs Knowles | 7 years | Dog walking, playing, village events, observing land formation | Daily | Other use walking, playing, cycling, pond cleaning. Consider it site of historical and archaeological interest. |
| T Wright | 22 years | Dog walking, fireworks, children's BMX and cycling | Weekly | Other use walking, children playing, riding, cycling |
| R Gibson | 23 years | Dog walking, sledging in winter | Daily | See others walking, mountain biking, bonfire night, sledging |
| Mrs D Parker | 14 years | Walking, New Year celebrations | Monthly | Others walking, Bonfire Night. |
| Mr S Wren | 37 years | Sledging & playing as children, dog walking, mountain biking | Daily / weekly over the years | 1984-87 moved away. Seen other daily use walking, biking, playing "the place the whole village went sledging every winter" |
| Mrs J Tugwell | 87 years | As child, teachers would take lessons on land in hot weather; sledging in winter, fireworks night | Very often, less now | Other use dog walking, children playing |

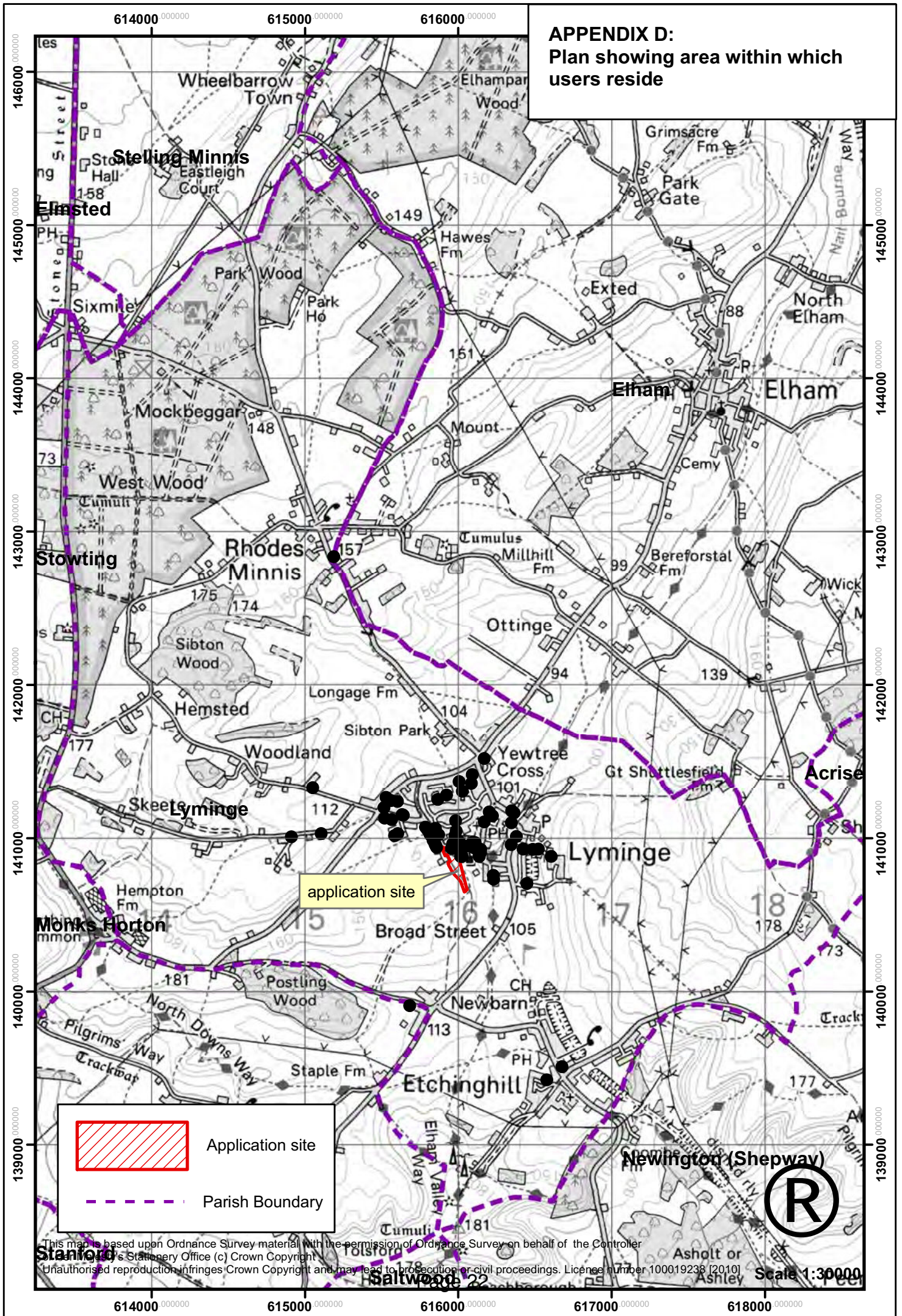
| | | | | |
|-----------------------|----------|--|------------------------|--|
| Mrs D Cross | 28 years | Walking with friends & family | Monthly | See other sledging in winter |
| G Stanley | 25 years | Walking & tobogganing with family | Monthly | Others dog walking & sledging. Sheep once grazed land |
| Wg Cmdr J Long | 9 years | Dog walking, walking | Weekly | Seen others daily, walking and horse riding. Quiet and peaceful place important |
| Mrs S Huntley | 8 years | Walking to Village Hall, dog walking, family games, cycling, sledging in winter, blackberrying | Approx 3 times a week | House overlooks the land & can see constant stream of people – walkers, children, all ages with different uses. Integral part of community for successive generations, immeasurable positive benefits to all village |
| R & M Sillwood | 70 years | School sports, sledging, walking, dog walking | Occasionally | Seen others horse riding |
| Mrs P Martin | 60 years | Sledging, picnics, bike riding, walking, playing as child, pond dipping, BMX | Occasionally | Often seen others dog walking, horse riding |
| Helen Burr | 50 years | As child: playing sledging, making camps, ball games, school nature lessons, climbing trees. As adult: walking, dog walking, blackberrying | Weekly; daily as child | See others horse riding, cycling, skating, sledging, running, scout groups, playing. Five generations of family have enjoyed the Green |
| Vera Law | 50 years | Walking, dog walking, playing with children & grandchildren | Occasionally | See others walking & children playing. School use it for projects, was traditionally grazed by sheep |
| Mark Yorke | 45 years | Dog walking, sledging, kite flying, BMX | Daily | Seen others horse riding, walking, cub & scout groups. The Green part of my life & now my sons. |
| Mr & Mrs Kyte | 40 years | Sledging, cycling, walking, football | Daily | Others riding, dog walking, biking, sledging |
| Susan Easton | 42 years | Dog walking, sledging, blackberrying, enjoying nature with children, cycling, children playing | Daily | Seen others use: Horse riding, walking, sledging. Worked at Playschool and took children on Nature walks and pond dipping. |
| Steven Waite | 15 years | Dog walking, family walks | Weekly | Seen others playing, walking daily |
| James Butcher | 12 years | Dog walking, cycling, sledging | Weekly | Seen others walking, sledging, bonfire fireworks |
| Patsy Philip | 24 years | Walking, picking fruit, teaching children about nature & pond life, children cycled, sledging | Daily | Seen others walking, cycling, sledging, picnicking, firework displays, scout groups, ball games – daily. Also area of great historical interest |
| Duncan Harrington | 21 years | Walking dog, sledging, fireworks, children playing (now grown up) | Weekly | Seen others walking & playing |
| Mr & Mrs S Cunningham | 26 years | Dog walking, children playing, tobogganing, nature studies | Daily | Seen others reading, sitting, walking, BMX, tobogganing, playing |
| Mr & Mrs Woodbridge | 35 years | Horse riding, dog walking, walking, sledging | Daily | Seen others walking, playing, sledging. Use by school. |
| Frederick | 35 years | Walking, dog walking, playing with | Daily/weekly | Seen others use daily – walking, playing |

| | | | | |
|-----------------------|----------|--|-----------------------------------|--|
| Leyser | | children & grandchildren, sledging | | |
| P Reynolds | 10 years | Dog walking, fruit picking, nature trails | Weekly | Seen others walking, cycling, horse riding, games, children playing, sledging - daily |
| R Edmond | 25 years | Dog walking, horse riding, tobogganing, fruit picking, | Daily/weekly | See others daily, walking, playing |
| Gill Colao | 18years | Horse riding, dog walking, playing with children, cycling | Daily/weekly | See others daily walking, playing |
| Sarah Miller | 6 years | Walking, nature watching, dog walking, tobogganing | Daily | See others daily walking, dog walking, children playing & on nature trails, tobogganing |
| Mr & Mrs Martin | 31 years | Dog walking | Weekly | See others daily walking & children playing |
| Emma Harvey | 12 years | Playing with children, fruit picking, nature trailing | Weekly | See others daily playing, cycling, dog walking |
| Mrs D Bloomfield | 10 years | Taken pre-school for games & play, dog walking, nature walks with children | Weekly/ occasionally | Seen others daily walking, cycling, horse riding |
| Mr & Mrs J Gredley | 18 years | Horse riding, dog walking, tobogganing, mountain biking | Weekly | Seen others daily dog walking, children's games, biking |
| Mr & Mrs J Leadbetter | 10 years | Walking, grandson uses for sports practise | Weekly | See others daily dog walking, cycling, kite flying, football |
| Mrs J Fry | 25 years | Treasure hunts, nature studies, cubs groups etc. | Twice a month, more in summer | See others walking, sports, riding. I run the local Beaver scout group & all scout & guide local groups use the land extensively |
| J Gretton | 28 years | Walking dogs, tobogganing in winter | Weekly | |
| Joe Whalen | 25 years | Dog walking, playing | Occasionally | |
| Adrian Hackford | 12 years | Walking, blackberrying, place to think | Daily | See others daily walking, blackberrying, cycling, playing |
| Toby Griggs | 30 years | Playing as child, dog walking, cycling | Monthly, more frequently as child | See others daily horse riding, walking, playing |
| Eleanor Clayton | 40 years | Dog walking | Daily recently, used to be weekly | See others daily walking, horse riding, cycling, playing |
| Laurence Peacock | 26 years | Walking, biking, sledging | Monthly | See others walking & playing daily |
| John Piddock | 33 years | Walking, visiting church, community events | Weekly | See others daily walking, riding, cycling, village hall events |
| Michael Foxon | 13 years | Walking, cycling, sledging in winter, girl guide trails, community events inc. tidy up | Weekly on average | See others most days walking, cycling, children playing, socialising, kite flying |
| Georgina Philip | 25 years | Walking, picnics, sledging when winter, art classes with Primary school | Monthly | See others walking, picnics, horse riding daily |

| | | | | |
|-------------------|----------|---|----------------------------------|--|
| Susan Wiltshire | 15 years | Walking | Occasionally | See others walking, playing, picnicking, horse riding |
| Keith Munro | 10 years | Running, dog walking, bird watching, wildlife observing | Daily | See others daily dog walking, horse riding, biking, sledging in winter, running, fruit picking |
| Mr & Mrs R Harper | 4 years | Walking | Weekly | See dog walkers, horse riders, children playing, sledging in winter – daily basis |
| Mr D McKnight | 5 years | Dog walking | Occasionally | See others occasionally walking, riding |
| Pam Wooding | 38 years | Walking & sledging in winter | Weekly now, less in childhood | See others most days riding, cycling, walking |
| Andrew Sillwood | 29 years | Walking, sledging in winter | Occasionally | See others walking |
| Mr D Ryan | 11 years | Dog walking, general walks | Weekly | See others walking, cycling, horse riding, most days |
| Tara Ryan | 11 years | Dog walking, blackberry picking, firework display | Weekly | See others running, riding, children playing – daily |
| Kevin Ryan | 11 years | Dog walking, leisure walking | Weekly | See others walking, cycling, horse riding, children playing, firework displays |
| Mrs A Baker | 11 years | Dog walking, girl guide leader & uses for games & activities | 2-3 times a week | See others riding, dog walking, rambling. Other scout & guide groups use land regularly |
| Benjamin Osbourne | 27 years | Dog walking, cycling, games, tobogganing in winter | Monthly, more when younger | See others most days walking, cycling, playing games, horse riding |
| Mrs J Low | 36 years | Played there as child, sledging in winter, walking, nature trails with own child | Occasionally, more when younger | See others walking, riding, pre-school & Primary school groups, kite flying, bikes, sledging in snow |
| Mrs D Yorke | 46 years | Dog walking, taking cubs on hikes, blackberrying | Monthly | See others walking & playing daily |
| Mr & Mrs O'Brien | 6 years | Walking with family | Daily | See others daily walking, riding, sledging in winter |
| Mr & Mrs M Thomas | 11 years | Dog walking, recreation, picnics, kite flying, sledging in snow | Daily | See others walking, general recreation |
| Mr S Huntley | 27 years | Running, fruit picking, play with children, sledge in winter, toy boats in pond, fly kites, dog walking | Daily | See others daily walking, cycling, scout activities, kite flying, games, fruit picking |
| Edward Osborne | 28 years | Walking, dog walking, running, winter games & summer games | Daily, now twice a week | See others dog walking, running, cycling, rambling during week |
| Patrick Osbourne | 28 years | Walking, running, sledging when snowing | Daily | Bonfire displays; see others walking, riding, sledging in winter |
| Susan Kyte | 20 years | Ball games with children, bike riding, tobogganing in snow, exploring pond, help with Beaver & Cub activities | 2/3 times a week, more in summer | See others horse riding, bike riding, ball games, walking - daily |

| | | | | |
|---------------------|----------|--|---|---|
| Mr & Mrs R Hendrick | 43 years | Walking, sledging in winter | Occasionally | See others walking, biking |
| Georgina Osborne | 28 years | Walking with & without dog, blackberrying, nature spotting, children's cycling. | Daily with dog and children, now occasional use | See others use daily – walking, horse riding, cycling, playing, cubs activities, tobogganing in winter |
| Mr R Easton | 42 years | Dog walking, picking blackberries, kids sledging in snow | Daily | Daily see walkers and riders |
| Philip Wilson | 15 years | General walking, children's play, village bonfires, tobogganing in winter, socialising | Daily in summer, less in winter | Daily see children playing, biking, horse riding, dog walking, use by cubs/Beavers, village events. Approached owner 2007 re leasing part of land for communal orchard; refused |
| Mrs Chitty | 27 years | Walking, photograph nature | Weekly now occasionally | See others riding, biking, sledging in snow |
| David Hunt-Cooke | 25 years | Dog walking, playing with children, tobogganing in winter, mountain biking | Daily | See others daily dog walking, playing, riding, tobogganing & blackberrying in season |
| Jennifer Huntley | 28 years | Walking, playing, admiring view, blackberrying. Ran youth club in 1980's and regularly used land | Daily /weekly | Daily use by others : horse riding, bikes, playing, walking, firework display, sledging in winter |
| Mark Ethell | 15 years | Dog walking, children playing, kite flying, sledging & snow fun in winter | Lots when children were small, less now | See others horse riding, playing, cycling, sledging in winter dog walking - often |
| Karen Hutchinson | 8 years | Walking | Monthly | See others Walking, sledging in winter |

APPENDIX D:
Plan showing area within which
users reside



Application site



Parish Boundary

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Scale 1:30000

Application to register land known as Seaton Meadow at Wickhambreaux as a new Village Green

A report by the Head of Countryside Access Service to Kent County Council's Regulation Committee Member Panel on Tuesday 15th November 2011.

Recommendation: I recommend that a non-statutory Public Inquiry be held into the case to clarify the issues.

Local Members: Mr. M. Northey

Unrestricted item

Introduction

1. The County Council has received an application to register land known as Seaton Meadow at Wickhambreaux as a new Town or Village Green from the Wickhambreaux Parish Council ("the Applicant"). The application, made on 28th June 2010, was allocated reference number VGA627. 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 the 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”) is known locally as Seaton Meadow and is situated on the south-eastern fringes of the village of Wickhambreaux, although, officially, the land itself falls within the neighbouring parish of Ickham and Well. The application has therefore been made by the Wickhambreaux Parish Council, but it has the full support of Ickham and Well Parish Council.
7. The application site consists of approximately 8.5 hectares (21 acres) of grazing land, with the Little Stour river running across its centre. A plan showing the application site is attached at **Appendix A**.
8. Access to the application site is via three stiles in the fencing bordering Seaton Road, giving access to Public Footpath CB184 which is formed of two sections crossing the northern part of the application site. However, in early 2010, fencing was erected along the footpath, thereby cutting off access to the river and the meadow.

The case

9. 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.
10. In support of the application, 115 user evidence questionnaires (some supplemented by statements) were submitted detailing the recreational use of the application site, as well as various charts and plans showing the application site and the use of it. A summary of the evidence submitted in support of the application is attached at **Appendix C**.
11. Also included with the application were letters of support from Ickham and Well Parish Council, County Councillor Mr. M. Northey, City Councillor B. Staley, the Ickham, Littlebourne and Wickhambreaux Conservation Society, St. Andrew’s Church Wickhambreaux, Wickhambreaux Church of England Primary School, and the Wickhambreaux Village Hall Management Committee. In summary, the letters of support refer to use of the application site without restriction by many generations of local residents for recreational pursuits.

Consultations

12. Consultations have been carried out as required. The Ickham and Well Parish Council wrote to reiterate its support for the application, whilst Canterbury City Council wrote to confirm that they had no proprietary interest in the application site and had no comment to make on the application itself.
13. During the consultation period, objections to the application were received from three local residents, disputing recreational use of the application site and raising concerns regarding the future grazing of cattle on the land.

14. A representation has also been received from Mr. J. Holdstock, who has been the tenant farmer of the land since 1991, providing an account of his knowledge of the application site. Mr. Holdstock explains that, in his experience, there has not been significant public access to the application site (as this would otherwise interfere with his use of the land for grazing) and any use of the application site has been predominantly on the designated footpaths. He adds that the most common digression from this is people walking along the northern bank of the Little Stour, only very occasionally venturing to the south of the river. Mr. Holdstock confirms that permission to use the land has been obtained for exceptional use (such as parking for village events) and that the closure of the application site due to foot-and-mouth would have led to an interruption to use.

Landowners

15. Historically, the site was owned for many centuries by the Church Commissioners and was let for grazing (mainly cattle). In 2009, the land was put up for auction and purchased by a consortium of individuals who divided the land into plots. A plan showing the current position with regard to ownership is attached at **Appendix D**.

16. All four of the current landowners have made representations in respect of the application ("the Objectors").

Mr. S. van de Vyer

17. Mr. van de Vyer owns part of the application site which abuts the southern side of the Little Stour. This area of land is registered with the Land Registry under title number K965436.

18. Mr. van de Vyer wrote to express concerns regarding the proposed change in status of the land leading to the cessation of cattle farming. The land should, in his view, remain a grazing field.

Mr. and Mrs. D. Pierce

19. Mr. and Mrs. Pierce own an area of land that is situated on the western part of the application site. This area of land is registered with the Land Registry under title number K965680.

20. Mr. and Mrs. Pierce have lived adjacent to the application site for 11 years and state that, during this time, they have only ever seen friends and neighbours walking on the land. That vast majority follow a linear route between the stiles following the river bank and only very seldom does anyone cross the river to access the land to the south of it. Any use of the land for dog walking has been with the permission of the tenant farmer (who has also challenged such use on occasion) and has not taken place when cattle were in the field.

21. Mr. and Mrs. Pierce object to the application on the basis that they have not witnessed any of the lawful sports and pastimes referred to in the application taking place on the land and, in their view, claims of such use have been exaggerated and misrepresented in the application.

Mr. R. Locke

22. Mr. R. Locke is one of the trustees of the Premier Trust, which owns a parcel of land at the southernmost part of the application site. This area of land is registered with the Land Registry under title number K965417.
23. Mr. Locke objects to the application on the basis that any alleged recreational use of the application site has not taken place continuously because people have not accessed the site when it has been in use for grazing. He accepts that particular individuals have occasionally trespassed off the footpath and walked along the river bank, however, such use has involved following a defined track, which is more akin to the use of a footpath.
24. Mr. Locke adds that his land can only be accessed by crossing the river. There is no bridge and, most of the year, the river is in full flow and cannot be crossed without wading through. As such, for significant periods throughout the year, this part of the application site has been inaccessible to recreational users.

Mr. and Mrs. M. Perkins

25. An objection to the application has been received Mr. and Mrs. Perkins who own a piece of land on the northern part of the application site, between the Little Stour river and Seaton Road. This area of land is registered with the Land Registry under title number K965437.
26. The objection is made on the following grounds:
- That use of the application site has been by virtue of permission granted by the tenant farmer for specific activities (such as car parking for community and private functions). Permission can also be implied through the actions of the tenant farmer, such as the locking of the gate and the erection of electric fencing on the site;
 - That use of the application site has been challenged by the tenant farmer, who has on occasion asked people to leave;
 - That intensive grazing of the land is incompatible with recreational rights and recreational users deferred to the grazing and amended their behaviour accordingly. The land has been commercially grazed on a continuous basis for the whole of the grazing season for at least 80 years;
 - That there has not been a full and uninterrupted period of 20 years' use due to rotational grazing and river flooding. The river area provides a source of drinking water and is therefore heavily poached by the cattle. Large parts of the land have been inaccessible during periods of flooding (particularly in 2000/2001);
 - That use of the application site has been almost exclusively by recreational walkers who use it as an extended walk through the area. Other activities referred to in the application, such as picnics and paddling, are an extension of footpath use, and are of an infrequent and ad hoc nature.

Legal tests

27. 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 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)?*
- (e) *Whether use has taken place over period of twenty years or more?*

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

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

28. 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.
29. In this case, there is no suggestion that the informal recreational use of the application site during the relevant material period has been in exercise of force or in secrecy. There is, however, a question as to whether recreational use has been permissive and the effect of alleged verbal challenges by the tenant farmer.

Permission

30. The objector's stance is that any recreational use of the application site has been by virtue of permission, express or implied, from the tenant farmer. It is stated that permission has been sought for formal events and that permission can be implied by the actions of the tenant farmer in managing his land and in allowing recreational use to continue on the land.
31. It is the applicant's case that, whilst accepting that permission has been sought for exceptional use of the land (e.g. car parking), the recreational use of the application site has taken place without any permission from either the tenant farmer or the landowners.
32. As a general rule, in order for permission to be effective in defeating an application for the registration of land as a Village Green, it is important that the granting of such permission is communicated to those using the land. In some cases, it might be possible for permission to be inferred by the conduct of the landowner, but it will not be possible to infer permission from mere inaction on the part of a landowner with knowledge of the use to which the land is being put.
33. This issue was explored in the *Beresford*² case, in which it was held that "*a landowner may so conduct himself as to make clear, even in the absence of any express statement, notice or record, that the inhabitants' use of the land is pursuant to his permission. This may be done, for example, by excluding the inhabitants on occasional days: the landowner in this way asserts his right to exclude, and so makes plain that the inhabitants' use on other occasions occurs because he does*

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

² *R v City of Sunderland ex parte Beresford* [2003] UKHL 60 at paragraph 5

not choose on this occasions to exercise his right to exclude and so permits such use”.

34. In order for permission for informal recreation to be implied, therefore, it will be necessary to demonstrate that the land has, periodically, been closed to the exclusion of the recreational users. There is insufficient evidence in this case to suggest that this has been the case at Seaton Meadow.

Challenges to use

35. The objectors also make reference to incidents where recreational use of the application site has been challenged by the tenant farmer, who has had occasion to ask people to leave the land. This is strongly disputed by the applicant, who states that the examples of challenges cited by the objectors relate to isolated incidents of inconsiderate use (such as children worrying the cattle) rather than to general recreational use by the local residents.
36. Therefore, on the issue of whether use of the application site has been ‘as of right’, the evidence as a whole suggests that use has taken place ‘as of right’, although further investigation of the alleged challenges is required before it is possible to reach an informed conclusion.

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

37. 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 activities³.
38. 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*’⁴.
39. In this case, the evidence demonstrates that the land has been used for a wide range of recreational activities, including walking (with or without dogs), picnics, paddling, playing with children, kite-flying and nature observation. The summary of evidence of use by local residents at **Appendix C** shows the full range of activities claimed to have taken place.
40. The objectors assert that they have not witnessed any significant recreational use of the application site by local residents and also dispute that some of alleged activities took place: the disputed activities include kite flying (due to the presence of overhead power cables), ball games (due to the topography of the site) and swimming (due to the depth of the river). The applicants contend that there is a

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

⁴ *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

significant body of evidence of use and that there is evidence of use for those activities that are disputed by the objectors.

Public Footpath CB184

41. The majority of the use of the application site has been for the purposes of walking and this raises questions in relation to the existence of the two sections of Public Footpath CB184 running across the northern part the application site. Use of a defined route that constitutes a recorded Public Footpath is use that is in exercise of an existing right and cannot give rise to any further rights. Similarly, use of a defined track (as opposed to wandering at will over a piece of land) will also give rise to the presumption that the users are asserting a right of passage rather than a general right to recreate.
42. The issue was considered by the Courts in *Laing Homes*⁵, in which the judge said that: *'it is important to distinguish between use that would suggest to a reasonable landowner that the users believed they were exercising a public right of way to walk, with or without dogs... and use that would suggest to such a landowner that the users believed that they were exercising a right to indulge in lawful sports and pastimes across the whole of the fields'*.
43. In this case, there is a dispute as to the extent of footpath-related use. The objectors assert that the vast majority of the recreational use of the application site is (or is associated with) walking along the existing footpaths. Such use is in exercise of an existing right and cannot give rise to a general right of recreation across the whole of the application site.
44. However, the applicant's position is that, although the land is accessed via the footpath stiles, walkers generally walk away from the designated footpaths which are little used by local people. Some of the walkers have preferred routes devised according to personal preference, whilst others wander more freely across the application site. With the exception of a visible track along the northern bank of the river, there are no other identifiable tracks (so as to suggest use along linear footpath-type routes) on the application site.
45. The exercise of distinguishing between types of use is something that is very difficult to achieve on paper. It is a question of evidence that requires more detailed scrutiny, preferably by way of the cross examination of witnesses in a public forum.

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

46. The right to use a Town or Village Green is restricted to the inhabitants of a locality or of a neighbourhood within a locality and it is therefore important to be able to define this area with a degree of accuracy so that the group of people to whom the recreational rights are attached can be identified.
47. The definition of locality for the purposes of a village green application has been the subject of much debate in the courts and there is still no definite rule to be applied.

⁵ *R (Laing Homes) v Buckinghamshire County Council* [2003] 3 EGLR 70 at 79 per Sullivan J.

In the Cheltenham Builders⁶ 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’.

48. On the subject of neighbourhood, the Courts have held that ‘it is common ground that a neighbourhood need not be a recognised administrative unit. A housing estate might well be described in ordinary language as a neighbourhood... The Registration Authority has to be satisfied that the area alleged to be a neighbourhood has a sufficient degree of cohesiveness; otherwise the word “neighbourhood” would be stripped of any real meaning’⁷.

49. At part 6 of the application form, the applicant specifies the relevant locality and neighbourhood as “the neighbourhood of Wickhambreaux village with Seaton hamlet, within the localities of Wickhambreaux and Ickham parishes”

50. The objectors do not seek to challenge the application on the basis of the locality/neighbourhood relied upon by the applicant and make no detailed submission about this part of the legal tests.

51. In this case, both the parishes of Wickhambreaux and Ickham and Well constitute legally recognised administrative units. The village of Wickhambreaux (as distinct from the wider parish) and the hamlet of Seaton are clearly identifiable neighbourhoods. Case law suggests that an applicant may rely on two or more qualifying neighbourhoods within a locality or localities⁸. Therefore, the neighbourhoods and localities relied upon by the applicant would appear to satisfy the legal tests.

“a significant number”

52. The word “significant” in this context does not mean considerable or substantial: ‘a neighbourhood may have a very limited population and a significant number of the inhabitants of such a neighbourhood might not be so great as to properly be described as a considerable or a substantial number... what matters is that the number of people using the land in question has to be sufficient to indicate that the land is in general use by the community for informal recreation rather than occasional use by individuals as trespassers’⁹. Thus, what is a ‘significant number’ will depend upon the local environment and will vary in each case depending upon the location of the application site.

53. On the basis of the evidence forms submitted by the applicant, there would appear to have been use by a significant number of local residents. The evidence submitted in support of the application suggests that a significant number of local residents have used the application site on a regular or daily basis. However, as stated above, there is a dispute between the applicant and objectors as to nature

⁶ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at page 90

⁷ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at page 92

⁸ *Leeds Group PLC v Leeds City Council* [2010] EWHC 810 at paragraph 97

⁹ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

and frequency of recreational use on the application site. This is therefore a question which requires further examination.

(d) 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)?

54. 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).

55. In this case, use of the application site as a whole was challenged in 2010 by the erection of fencing along the footpath. If the recreational use of a piece of land ceases to be 'as of right' before an application for the registration of the land as a new Village Green is made, the applicant has a two year period of grace during which an application can be made (see section 15(3)).

56. In this case, it is the erection of the fencing that appears to have triggered the Village Green application. The fencing was erected in February/March 2010, and the Village Green application was made in June 2010. Therefore, the application has been made well within the two-year period of grace prescribed by Parliament, and this test is therefore met.

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

57. 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. The twenty year period is calculated retrospectively from either the date of the application or, where use of the application site ceased to be as of right prior to the making of the application, the date upon which use of the application site ceased to be 'as of right'.

58. In this case, it has been established that the recreational use of the application site as a whole ceased to be 'as of right' when the fencing was erected in February/March 2010. On the face of it, therefore, the relevant twenty-year period is therefore 1990 to 2010 (but note the impact of foot and mouth closure, discussed below).

Continuous use

59. There is a dispute as to whether recreational use of the application site has taken place for a full and uninterrupted period of twenty years. This dispute relates to the use of the application site for grazing purposes and flooding which has taken place on the land.

60. It is argued by the objectors that the use of the land for grazing purposes has discouraged recreational use of the land when the cattle were on the land, and it is alleged that the vast majority of local residents would avoid using the land when the cattle were present. This is strongly refuted by the applicant, who states that use of the land for recreational purposes was not affected by the presence of the cattle and there is evidence from numerous local residents who refer specifically to the presence of the cattle on the land during their usage; far from being a deterrent, the cattle were in some cases an attraction.

61. The objectors also argue that use of the land for recreational purposes would necessarily have been interrupted during periods of flooding. In particular, during the floods of 2000/2001, the land would have been inaccessible for many months due to flooding.
62. The applicant's position in respect of the flooding is that such flooding of the land as did take place was of very limited duration. In fact, during the 1990s, water levels along the Little Stour were so low that there was widespread concern about the river drying up. Flooding, in the applicant's view, did not adversely impact upon the use of the land for recreation or substantially interrupt recreational use during the material period.

Foot and Mouth closure

63. The tenant farmer, Mr. Holdstock, refers to the closure of the footpaths during the Foot and Mouth crisis. In Kent, all Public Rights of Way crossing farmland or woodland were closed to the public between 6pm on 27th February 2001 and 6am on 12th May 2001 using powers under the Foot and Mouth Disease Order 1983. As such, there would, necessarily, have been an interruption to the use of the land, particularly the Water Meadows, during this time.
64. However, section 15(6) of the Commons Act 2006 states that in determining the 20 year period, "*there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment*". Therefore, the closure of the land during this three-month period would not have the effect of defeating the application for the registration of the land as a Village Green.
65. In practice, all that would be required is for the relevant twenty-year period to be extended by an additional three-month period to take into account the time that the land was statutorily closed. The applicant's case is that use of the application site has taken place for a period in excess of twenty years and, as such, the closure of the land due to foot-and-mouth would not present any problem in this case.

Conclusion

66. As has been noted above, there have been various disputes regarding the nature and factual basis of the evidence. The applicant's case is that the weight of the evidence established prolonged and frequent use of the application site by local residents for recreational purposes. The Objector's case, on the other hand, is that whilst there may have been limited recreational use of the application site, the extent and frequency of such use has been highly exaggerated.
67. Although the relevant Regulations¹⁰ provide a framework for the initial stages of processing the application (e.g. advertising the application, dealing with objections etc), they provide little guidance with regard to the procedure that a Commons Registration Authority should follow in considering and determining the application. In recent times it has become relatively commonplace, in cases which are particularly emotive or where the application turns on disputed issues of fact, for

¹⁰ Commons Registration (England) Regulations 2008

Registration Authorities to conduct a non-statutory Public Inquiry¹¹. This involves appointing an independent Inspector to hear the relevant evidence and report his/her findings back to the Registration Authority.

68. Such an approach has received positive approval by the Courts, most notably in the *Whitmey*¹² case in which Waller LJ said this: *'the registration authority has to consider both the interests of the landowner and the possible interest of the local inhabitants. That means that there should not be any presumption in favour of registration or any presumption against registration. It will mean that, in any case where there is a serious dispute, a registration authority will almost invariably need to appoint an independent expert to hold a public inquiry, and find the requisite facts, in order to obtain the proper advice before registration'*.
69. It is important to remember, as was famously quoted by the Judge in another High Court case¹³, that *'it is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town green... [the relevant legal tests] must be 'properly and strictly proved'*. This means that it is of paramount importance for a Registration Authority to ensure that, before taking a decision, it has all of the relevant facts available upon which to base a sound decision. It should be recalled that the only means of appeal against the Registration Authority's decision is by way of a Judicial Review in the High Court.
70. A decision to hold a Public Inquiry is not one which the County Council should take lightly; such a decision imposes significant burdens on all parties involved in terms of the preparation for and attendance at the Inquiry. Officers will, in the first instance, always seek to resolve an application without the need to resort to a Public Inquiry if at all possible. However, there are occasions, of which this appears to be one, where there is a serious conflict in the evidence which cannot be resolved on paper and the County Council has little option other than to refer the matter to a Public Inquiry for the matters to be clarified before a final decision is made.
71. In addition to factual disputes in the evidence outlined above, it is clear from all of the documentation that the Village Green application is a very emotive issue which generated a great deal of media publicity and local debate, and has become a matter of significant local importance. The documentation received by the County Council is vast and runs to almost 6 lever arch files. It is important for all parties that all of this evidence receives full and proper scrutiny by an expert in this area of law. Not only is it in the interest of the landowners to test the evidence which they dispute in order to ensure that all of the relevant legal tests are strictly met, but there is also a strong public interest in the matter being heard in public forum so that all members of the community may participate and make their views known.

¹¹ The Public Inquiry is referred to as being 'non-statutory' because the Commons Act 2006 does not expressly confer any powers on the Commons Registration Authority to hold a Public Inquiry. However, Local Authorities do have a general power to do any thing to facilitate the discharge of any of their functions and this is contained in section 111 of the Local Government Act 1972.

¹² *R (Whitmey) v Commons Commissioners* [2004] EWCA Civ 951 at paragraph 66

¹³ *R v Suffolk County Council, ex parte Steed* [1997] 1EGLR 131 at 134

72. Therefore, it would appear that it is not possible to determine this matter on paper and the most appropriate course of action would be for the matter to be referred to a Public Inquiry.

Recommendations

73. I recommend that a non-statutory Public Inquiry be held into the case to clarify the issues.

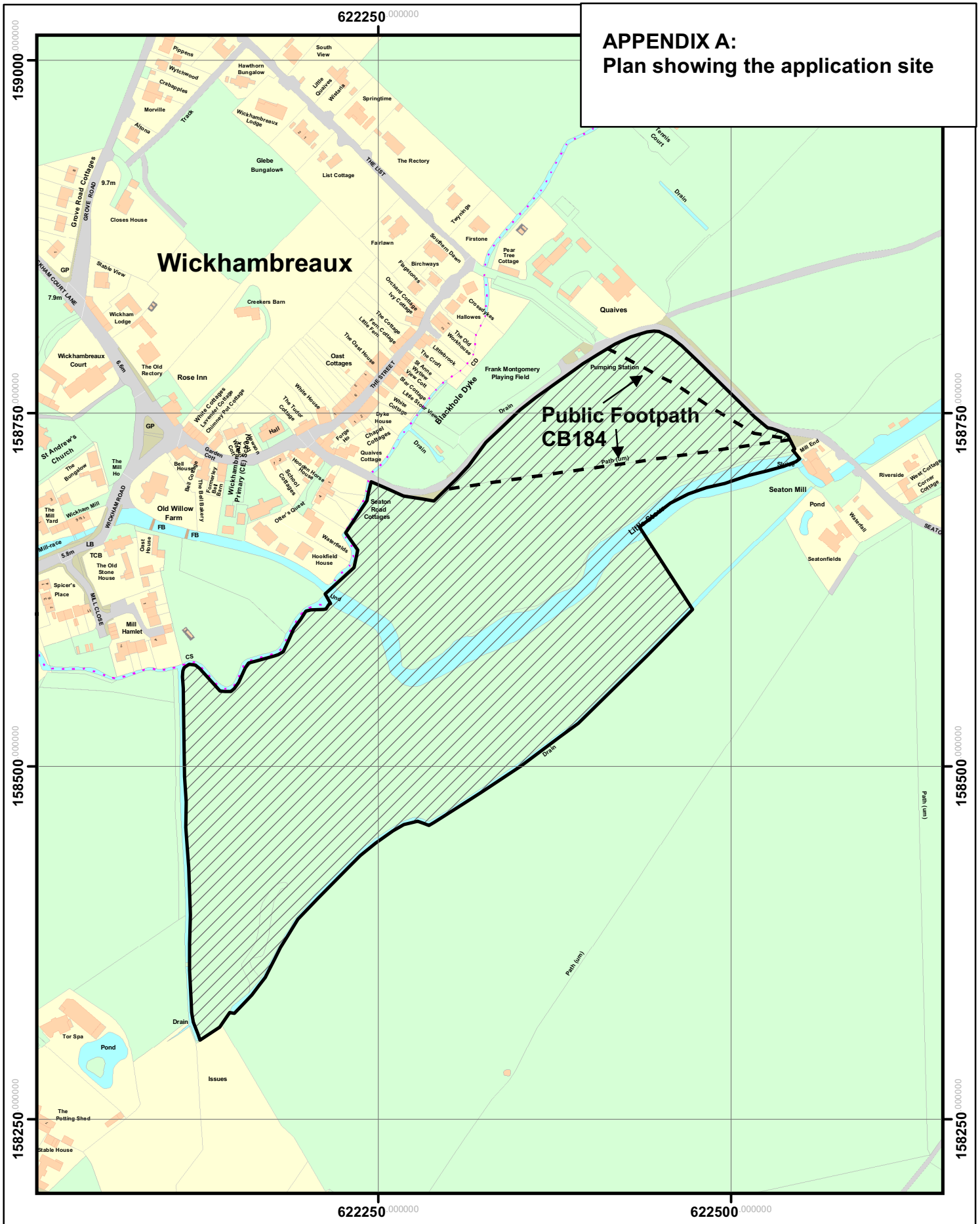
| |
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| Accountable Officer: Mr. Mike Overbeke – Tel: 01622 221513 or Email: melanie.mcneir@kent.gov.uk Case Officer: Miss. Melanie McNeir – Tel: 01622 221511 or Email: melanie.mcneir@kent.gov.uk |
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| 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 – Summary of user evidence
- APPENDIX D – Plan showing ownership of the application site

**APPENDIX A:
Plan showing the application site**



**Land subject to Village Green application at
Seaton Meadow, Wickhambreaux**



Scale 1:3500



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:

VGA627

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

Wickhambreaux Parish Council.
Name: Application submitted by:
Full postal address: Mrs Christine Le Jeune (Chairman)
(incl. Postcode) Forge House, The Street,
Wickhambreaux, Nr Canterbury
CT3 1RP
Telephone number:
(incl. national dialling code) [REDACTED]
Fax number:
(incl. national dialling code)
E-mail address:

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:

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

Fence and padlocked gate put in place over a two week period from the beginning of March, 2010.

**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(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:

Closed because of Foot and Mouth restrictions March - June 2001.

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:

Seaton Meadow

Location: Between the village of Wickhambreaux and the hamlet of Seaton.

Land Registry title numbers: K965436
Common Land register unit number (only if the land is already registered Common Land): K965437

K965680

K965417

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

If 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 neighbourhood of Wickhambreaux village with Seaton hamlet, within the localities of Wickhambreaux and Ickham Parishes

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

Seaton Meadow lies on the edge of Wickhambreaux village and the adjacent hamlet of Seaton, with the Little Stour River flowing through it. It has been used by a significant number of past and present inhabitants of both communities for the twenty years from October 1989 to February 2010 and for many decades before that. (The dates include four months' statutory closure due to Foot and Mouth disease in 2001)

The meadow has been accessed openly, without force and without seeking anyone's permission.

It has been used for exercise, dog walking, enjoying river views, paddling in the river, bird watching and many other activities, as testified in the witness statements and listed in the Appendix.

115 Evidence questionnaires are being submitted representing 163 named individuals

The Parish Council believes that all the relevant criteria have been met for the land to be registered as a village green.

Please also see full statement, in Appendix.

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

- 1) Mr + Mrs Mark Perkins, Waterfield, Seaton Road, Wickhambreaux CT3 1RW. (Title no. K965437)
- 2) Mr + Mrs David Pierce, Hookfield House, Seaton Road, Wickhambreaux CT3 1RW (Title no. K965680)
- 3) Mr + Mrs Stephen Van De Vyver, Seaton Mill, Seaton Road, Ickham CT3 1S4 (Title no. K965436)
- 4) Mr Richard Locke, Bridewell House, Bridewell Lane, Tentenden TN 30 6FA and
D.A. Phillips + Co. Ltd, Bridewell House, Bridewell Lane, Tentenden TN 30 6FA (Title no. K965417)

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

See attached sheets in Appendix
(Red and blue folders)

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

We expect most of the owners to challenge the registration (see Section 8)

We have received 20 forms, supporting our claim, from people outside our neighbourhood, which we have not submitted, but which are available if required.

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:

23rd June, 2010

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.

Full Statement justifying application to register Seaton Meadow as a Village Green (as mentioned in Note 7)

Seaton meadow lies between Wickhambreaux and Seaton, in the parish of Ickham. Of the three stiles which give access to the land, two are on the outskirts of Wickhambreaux and one at Seaton. Wickhambreaux village is closer to the meadow than the village of Ickham so the land is used predominantly by Wickhambreaux residents, hence Wickhambreaux Parish Council is submitting this claim (see letter of support from Ickham Parish Council in Appendix).

The Meadow was owned for centuries by the Church Commissioners. The land was used by tenant farmers as part of an extensive grazing marsh, mostly for cattle. It is part of the Ickham, Wickhambreaux and Seaton Conservation Area (see map in Appendix). The Little Stour river, a chalk stream, flows through the site. The river is very shallow here and stepping stones enabled people to cross to the rest of the meadow. The stiles give access to two sections of footpath CB184 which are clearly marked with signs but people have always wandered at will over the whole area, up to the river, along the bank, across the river, amongst the cattle and beyond. People accessed the land openly, via the stiles and the stepping stones, and did not ask anyone's permission.

In the Autumn of 2009 a large acreage along the river valley was put up for sale by the Commissioners. Seaton Meadow was part of the land bought by a consortium of private individuals, who then divided it up. The meadow was divided between four separate owners (see section 8), three of whom have houses and gardens adjoining the land.

In March 2010 stock-proof fencing, topped with barbed wire, was erected along footpath CB184, cutting off access to the river and the meadow.

You will see from the evidence forms that over the last twenty years, and for the whole of living memory, many activities have taken place on the land. People have walked to enjoy the views, to watch the river, and to exercise their dogs. Children have paddled and used fishing nets, flown kites, played chase, thrown balls and tobogganed down the river banks in the snow. People have sketched, painted, practised photography and watched the birds and wildlife. Some have even practised golf shots. People have run along the banks watching charity duck races (plastic ducks!) and at one fête hot air balloon rides were given from the meadow.

The land has been used daily by the people of Wickhambreaux Village and the nearby hamlet of Seaton and there are close links between the two as Seaton has no facilities of its own. Wickhambreaux is the nearest village to Seaton, only a quarter of a mile away by road. Seaton children have attended Wickhambreaux School and Seaton residents participate in events in Wickhambreaux Village Hall. Wickhambreaux and Seaton are linked within the Ickham, Wickhambreaux and Seaton Conservation Area. People mix socially and the Rose Inn in Wickhambreaux is the nearest hostelry. (Further details regarding the cohesive nature of Wickhambreaux and Seaton is provided in the letters from Emmy Watts and Annabel Ward in Appendix).

Wickhambreaux Village and Seaton comprise approximately 126 and 10 households respectively (housing approximately 255 adults). 115 Evidence questionnaire's have been received from past and present Wickhambreaux and Seaton residents representing 163 named individuals. This figure does not include the use by children referred to on many of the forms. All of the forms are from residents who have used Seaton Meadow within the last 20 years, apart from 2 (numbers 16 and 73) who are from former residents who used the land over 20 years ago. The evidence questionnaire's show that Seaton Meadow has been used by Wickhambreaux and Seaton residents since 1934 (see form 11). A chart in the Appendix lists the 37 most popular activities carried out or observed on Seaton Meadow and a further chart shows that these have mostly been carried out daily.

Seaton Meadow is an idyllic spot and the Parish Council wishes to register it as a village green so that the activities enjoyed by so many for so long can continue for future generations.

**APPENDIX C:
Summary of user evidence submitted
in support of the application**

| Name | Period of use | Frequency | Activities | Other comments |
|----------------------------|--------------------------------------|--|---|---|
| Mr & Mrs C. Alabaster | 32 years until 2000 | Weekly when resident, now for village events | Walking, kite flying, ball games | When resident weekly observed children playing, walkers, village events |
| Mr M. Ashley-Jones | 1998-present | Weekly | Family walks, playing, picnics, enjoying wildlife, relaxing | Regular use by others – walking, paddling, bird watching. Use now limited due to now fenced |
| Mr & Mrs P. Barrett | 1994 – present (fenced off Feb 2010) | Daily when could | Dog walking, playing in river with children, kite flying | Feb 2010 land fenced and signs put up |
| Mr & Mrs J. Bateman | 1960 until fenced off 2010 | Daily when could | Walking, playing in river, picnics, dog walking | Observed daily walkers, people with picnics, children playing in river |
| Mrs L. Bates | 1982 - | Regular basis | Children played in river, picnics, walking, fishing for tiddlers | Others use of playing, walking, picnics, Village duck races, school use for river projects |
| Mr & Mrs D. Bolton | 1982 – 2010 fenced off | Weekly/monthly | Walking, bird watching, river watching, blackberrying, playing with grandchildren | Can see from house daily use until recent erection of fences and signs. School often use river for projects |
| Alecia Brewster | 1987-2010 fenced off | Regularly 1987-1994, occasionally 1994-2000, regularly 2000-2010 | Dog walking, picnics, paddling, kite flying, duck feeding | March 2010 fenced off. See others regularly walking & using land before |
| Miss A. Broadbridge | 1969-1999 | Weekly | As child played, paddled in river, picnicked, as teenager walked, relaxed and then as nanny took children there to play & enjoy river | Daily see others enjoying, walking & family fun. Now looks an eyesore as fenced off and community deprived |
| Mr R. & Mrs A. Broadbridge | 1940 -1992 | Monthly, 1992 occasionally | Played, walked, picnics | Daily walkers & birdwatchers, school pond dipping, kids playing |
| Tina Burton, David Burton | 1991 – present(only footpath) | Daily | Dog walking, pond dipping with children, family fun | Daily seen other users playing, walking, canoeing |
| Mrs D. Chandler | 1934 – 1994 | Daily as child, weekly/daily as adult | Field games (rounders, cricket), picnicking, walking, fishing | Daily seen others walking, fishing, playing, also village school activities |
| Mr D. Chandler | 1971 – present | Daily/weekly as child, now occasionally with own children | Played in river as child, walking and playing with own children | See other family activities |
| Mark Chandler | 1970 – present | Weekly as child, occasionally now. Take own children | Paddling, fishing, kite flying, use river stepping stones to cross to next village | See other games & activities |
| Roy Chandler | 1960 – present | Daily as child, occasionally now | Walking & playing; cut across river to next village | See others walking & playing in river |
| Lisa Clark | 2002 – 2010 when fenced | Daily & more in summer | Dog walking, children paddling, fishing | March 2010 fence erected. Previously used by village daily |

| | | | | |
|----------------------|-----------------------------|--|---|---|
| Mrs C. Clarke | 1963 – 2010 | Occasionally | Dog walking, kite flying, picnicking, sledging and same with own children | March 2010 fences put up. Always people using land |
| Genevieve Cobb | 1990 – March 2010 | Occasionally | Walking, bird watching, enjoying nature, picnic | Notices March 2010. Other activities weekly |
| Mr R. Collins | 1985 – 2010 | Weekly | Bird watching on behalf of Kent Ornithological Society, family walks & play, dog walks | Fence erected 2010. Other use of walking, picnics, paddling |
| Mr & Mrs K. Cooper | 1971 – 2010 | Weekly | Family picnics, walking, children playing | Seen others walking, picnicking |
| Mr J. Cotton | 1999 – present | Daily or weekly | Exercise | See others walking, playing |
| Mrs D Curtis | 1955 – present | Daily when lived in village, occasionally now moved to Wingham | Children playing, paddling, walking dog | Regularly see others walking, family outings, fishing |
| Mrs J. Dack | 1980 – 2010 when fenced off | Monthly sometimes more | Dog walking, exercising, children played | See other walkers |
| Mr M. Dack | 1980 – 2010 | Monthly | Walking with family & pets | Used by village school until fencing March 2010 |
| John & Rose Dartnell | 1958 – 2010 | Monthly | Walking, relaxing, play with children | Fenced off 2010. Seen other use of walking |
| Mr & Mrs Davies | 1994 – 2010 when fenced | Weekly | Walking, paddling with children, picnicking, fishing | Other use dog walking, children playing, fishing. Local school used land for projects. March 2010 fence erected |
| Fiona Dawson | 1998 – present | Occasionally, more in summer. Children use it weekly/daily | Walking, paddling, fishing, village duck race, picnics, games | Other use daily – walking, playing |
| Claire Day | 1989 – present | Daily now occasionally as moved away | Walking, playing | Return to village to enjoy the land, but recently fenced |
| Jan de Bont | 1987 – present | Monthly | Walking, enjoying river | See other walkers |
| Laura Downes | 1978 – present | Weekly in summer, monthly in winter | Fishing, making camps, village duck races, picnics, making snowmen, now do the same with own children | See others enjoying the land – family games & play. Safe area in locality |
| Zara & Patrick Duffy | 2000 – 2010 | Daily | Dog walking, family & friends walks, paddling in river with children, bird watching | Daily see others walking, playing, picnicking, children fishing |
| Mr & Mrs Dutton | 1987 – 2010 fence erected | Daily / weekly | Walk dogs, play with children, jog, pond dipping | See other use – walking, blackberrying, picnicking, playing in river |
| Sharon Egin | 2007 – 2010 fence put up | Daily | Dog walks, children playing in river | Fencing off safe area affects safe childrens play |
| Mr & Mrs G Farnham | 2006 – 2010 fence erected | Weekly | Dog walking, picnics, bird watching, running | March 2010 fence & signs erected. Previously daily use by others walking, fishing, playing |
| Ms J. Farnham | 2006 | Daily since 2009 | Walking, jogging, bird watching | Fence erected & signs put up end Feb 2010. Local school using river for pond dipping, people used land daily |
| Mr B. Ford | 1984 – 2010 fence erected | Daily with dogs, now weekly | Walking, photography, paddling in river | See others daily walking, kids playing, picnicking |

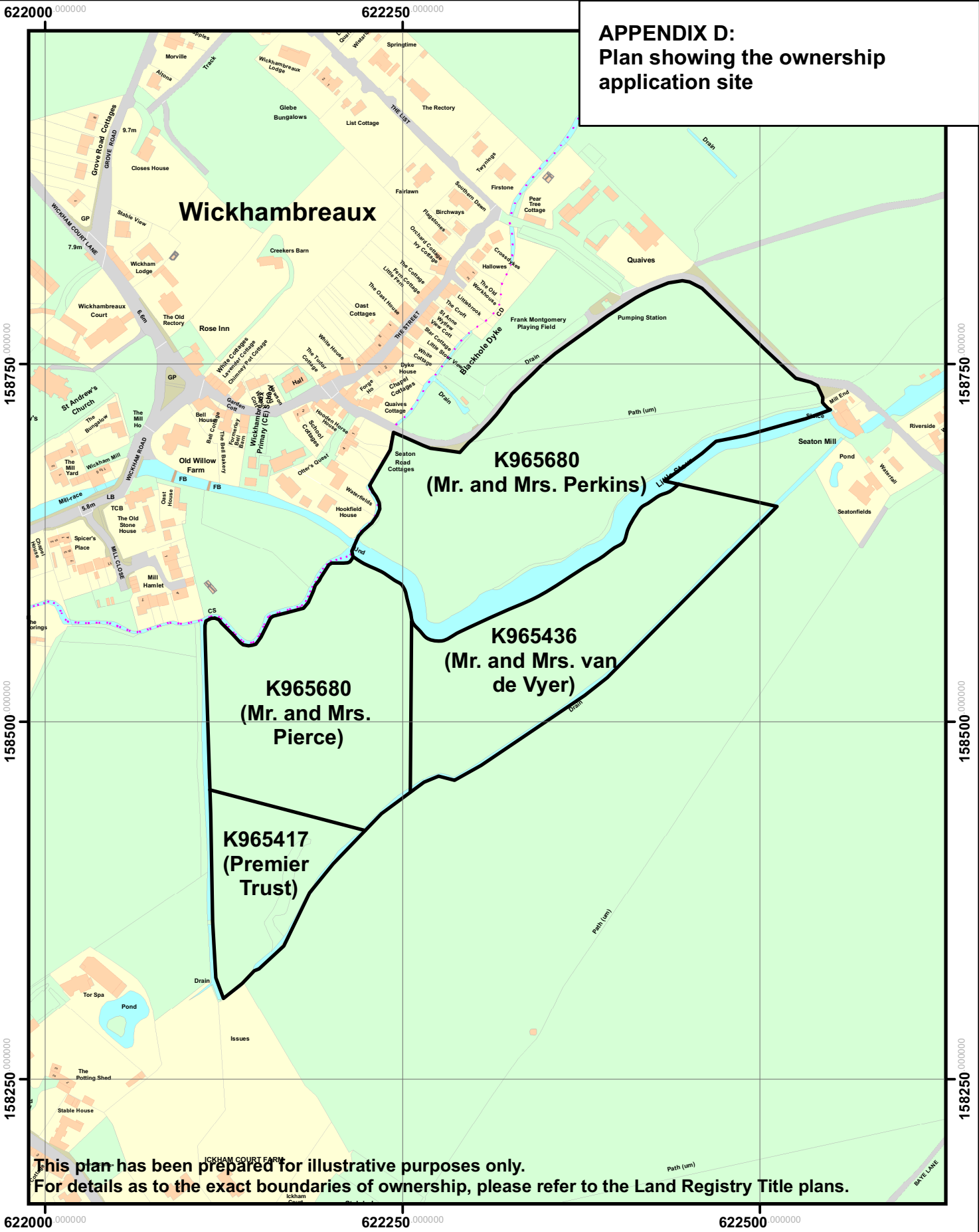
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| Mrs M. Gooderon | 1996 – 2010 fenced off | Occasionally | Walking, bird watching | 2010 fence put up. Others walking, picnics, children playing, bird watching |
| Mrs K. Gower | 1985 – 2010 fenced off | Occasionally to 2008 then daily | Dog walking, picnics, playing as child, school outings | Fence installed & signs Feb 2010. Others walking, playing, fruit picking, bird watching |
| Caroline Hagan | 1975 – 2010 fenced off | Weekly/ Monthly 1998 onwards occasionally | Fishing/playing in river, making camps, photography, snowmen, sledging | Other use – usually see others walking, fishing, kite flying |
| David Haigh | 1976 – 2010 | Monthly | Exercise, wildlife observation | 2010 erection of fencing & notice. Other use of walking, picnics, children paddling, bird watching |
| Mr H. Haines | 1982 – 2009 due to ill health | Weekly/monthly | Bird watching, walking to Seaton | 2010 prohibitive notices. Village school used river for educational activities. |
| Mrs J. Hammond | 1963 – present | Weekly | Picnics, children fishing in river and playing rounders, camping, cricket, kites | Other use of dog walking & children playing |
| Tracy Harris | 1992 – 2010 fence | Weekly & daily during school holidays | Dog walking, children playing in river, sledging in winter | Feb/Mar 2010 fence & notices went up, family can no longer use it. See others daily, walking, playing, school projects |
| Geordie Hayward | 1962 – Mar 2010 fence | 1991 – weekly/daily | Dog walking, photography, kite flying, ball games, blackberrying, dam building with children, bird watching | 2010 barbed wire fence erected & notices. Always see others walking, (house overlooks the Marsh) & many other activities |
| Ollie Hayward | 1991 – 2010 | Daily | Cross-country running, walking, kite flying, socialising on river bank | 2010 erection of barbed wire fence. See others walking, school field trips |
| Mrs E. Healy | 1984 – 1999 | Daily when had dog | Strolling, observing river, taking grandchildren to play | Popular childrens & family area |
| Miss H. Hirst | 2001 – 2010 | Daily | Dog walking, watching wildlife, meeting others, village Tai Chi group | March 2010 fence obstruction. Daily see others use & enjoyment of land – walking, playing, school children by river |
| Mr & Mrs G Hutchings | 2006 – April 2010 | Weekly | Walking | Recent obstructions of fence. See other walkers |
| Joy Jennings | 1996 – March 2010 | Daily with dog, less now due to health | Walking with dog & neighbours | 2010 March fence & signs prevented use of land. Regularly others walking, flying kites, school nature trips, family fun |
| Julia Jensen | 2008 - present | Every few days | Dog walking | Others playing, walking |
| John Joice | 1999 – March 2010 | Weekly | Walking, observing nature, taking son for walks & play | March 2010 barbed wire fence & notices. Other use of walking, children playing, school outings. Used for village recreation for decades |
| Mrs E. Jones | 1978 – 2010 | Occasionally, children used daily in school holidays | Walking, picnics, tai-chi class, hot air ballooning, paddling in river, bird watching, fishing | March 2010 fence & notices put up. Daily use by others – walking, ball games, paddling, picnics |

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| Mrs C. Kelsey | 1960 | Weekly | Walking, picnics, bird watching, playing games | 2010 notices, fence & locked gates, security lights. Other use of walking, bird watching |
| Knight Family | 1991 – present (restricted) | Weekly | Walking dogs, taking children to play, cross country running group | 2010 fence & notices erected. General community use as amenity land |
| Michael Knott | 1962 – 2001 (moved away) | Daily | Exploring wildlife & river, bird watching, walking. | Daily use by others – walking, fishing, children playing in river, kite flying |
| Eunice & Hyman Kossoff | 1961 – present | Occasionally | Walking, kite flying, children playing | See others walking, kite flying, children playing |
| Graham Lane | 2001 – 2010 | Weekly/monthly | Walking, playing with children, dog walking, playing in river | March 2010 notices & fences prevented use. Prior use by others – walking playing in streams etc. |
| Mr & Mrs R. Lane | 1974 – 2010 | Weekly | Family recreation | Notices & fences put up. |
| David & Angela Le Breton | 1987 - present | Weekly | Walking, picking blackberries, paddling with children, sketching | Other use – artists, birdwatchers, dog walkers, photographers |
| Christine Le Jeune | 1973 – March 2010 | 1970s several times a week, 80s & 90s weekly, now monthly | Children paddled & fished in summers, snow play & tobogganing winter; picnics, blackberrying | 2010 fence & notices. Previously see others daily – can see from house. Hot air balloon rides, school projects |
| Mrs L. Lodge | 1980 – 2010 | Occasionally | Dog walking, enjoying nature, take classes from school to paint & carry out nature surveys, history projects | 2010 restricted access. Other daily use or weekly – walkers, bird watchers, children playing, fishing, picnics |
| Norman & Ann Long | 2007 – present | Daily | Dog walking & enjoying river bank | See others a lot – walking, painting, children playing |
| Mr & Mrs D. MacIsaac | 1994 – 2010 | Several times a week | Dog walking, bird watching, paddling in stream, enjoying riverbank | 2010 fence erected. Other use – walking, playing, local primary school, snowballs & snowmen in winter |
| Mr & Mrs A. Maudit | 1963 – present (restricted) | Occasionally | Walking, activities with children & grandchildren, | Fences & warning notices March 2010. Daily see other recreational use |
| Brian Maxted | 1963 – 2010 | Occasionally | Photography, wildlife, children & grandchildren playing, relaxing | Barbed wire fence & locked gates 2010. Prior daily use by others – walking, playing |
| Mr & Mrs J McGeever | 1982 – 2009 (moved away) | Occasionally | Walking, playing with children | Weekly use by others – walking, playing |
| Rita & Bob McMurrin | 1992 – 2010 | Daily/weekly | Walking, sitting watching wildlife | Fence erected. Others walking, playing |
| Mr & Mrs Metcalf | 1960 – March 2010 | Daily | Picnics & playing as child, then walking | March 2010 areas fenced off. Seen children playing, school activities, walkers, twitchers |
| Mr & Mrs R. Mitchell | 1984 onwards | Daily until 2004 then weekly | Walking & picnicking with friends & family, children played and went on school study trips | Observed others walking, playing, photography, bird watching, picnics |
| Edward Moon | 1952 – 2010 | 1982-2006 daily, then weekly | Playing and school activities as child, then dog walking, meeting | Observe others walking & playing |

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| | | | others, enjoying nature | |
| Pam & Ron Moon | 1960's- 2010 | Weekly | Dog walking, children playing in river, meeting friends | Use now restricted. Others use – walking, kite flying, playing in river |
| Jacqueline Mount | 1993 – March 2010 | Couple of times per month | Walking, playing with children in river | March 2010 new owners put up fence. Seen others walking, picnics, playing |
| Mrs R. Murgatroyd | 1961 – 2010 | Weekly | Horseriding, dog walking, enjoying nature | Ugly fence erected 2010 & notices. Seen other walkers & golf practice |
| Mrs R. K. O'Sullivan | 2007 – 2010 | Occasionally | Dog walking | Daughter used land for nature study lessons |
| Mr & Mrs B. Ovenden | 2002 – 2010 | Daily | Dog walking | Prior to March 2010 no indications land was private. See other walkers, birdwatchers, children playing |
| Mrs S. Paine | 1992 – 2010 | Occasionally | Walking with family | See children enjoying river, walkers |
| Dr J. Peebles | 1987 – present | Daily when resident in village, now monthly | Walking, childrens games and learning about river | |
| Jo Pestel | 1986 – 2005 (moved away) | Frequently in summer, less winter | Walking | Family still in village and use land |
| Katy Pickvance & family | 1986 – 2010 | Daily all year | Walking, children playing, observing nature, enjoying countryside | Recent fence & signs stopped use. |
| David Pollard | 1970 | Occasionally | Walking with family | Seen children playing, walkers |
| Max & Camilla Presland | 1962 – 2010 | Monthly | Fishing, playing with children, walking with family | Always see others walking, playing |
| Joan Priestman | 1998 – 2010 | Monthly | Dog walking | Seen others walking, paddling |
| Terence Relph | 1980 – 2010 | Daily | Dog walking, playing with children in river | Observe others walking & playing |
| Christopher & Anne Riddell | 1970 – 2010 1955 – 2010 | Weekly/daily/monthly over the years | Family picnics, playing in river, pond dipping, walking with friends, wildlife surveys | March 2010 fence erected & signs put up. See other use of walking, playing, local school activities, picnics |
| Fern Riddell | 1986 – 2010 | Daily/weekly as child, 2005 at university, still use in holidays | Dog walking, paddling, picnics with friends, learn about nature | March 2010 fence and signs put up. Other use walking, picnics, family fun, river studies for primary school. Land used by three generations of family |
| John Somers | 2005 – 2010 | 2-3 times per week | Dog walking, family fun – paddling, sledging, picnics, reading | 2010 fence & signs put up |
| Isabella Stephens | 1982 – 2010 | Several times a week | Walking, running, picnics with grandchildren | March 2010 fence & signs put up. School use land for projects |
| Charlotte & Eoin Stewart | 1996 – 2010 restricted access | Daily | Dog walking, children playing games & on river, photography, blackberrying | Seen others playing, picnicking, walking. |
| Elizabeth M. Stewart | 1949 – 2010 | Regularly to occasionally over years | Dog walking, playing when children young – kites, in river, with friends | 2010 notices put up. Over years people walking, playing, fishing, mushrooming |
| Ian Stewart | 1977 – 2010 (restricted) | Regularly mid 80's & 90's, now | Dog walking, playing with children | Notices up March 2010. Village duck race |

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| | | occasionally | | |
| Judy Sturrock | 2001 – 2009 | Occasionally | Playing with grandchildren , walking & enjoying scenery | Always people dog walking |
| Edward Taylor | 1988 – present | Weekly as child, now occasionally when visit | Walk dog, fly kite, play in stream | Others walking, playing, picnics, painting |
| Susan & Peter Terrill | 1980 – 2010 | Daily / weekly | Walking with dogs, children, friends, picnicking, kite flying, paddling, picking mushrooms | Notices up March 2010. Daily see others walking, ball games, children playing in river |
| Katherine Trotter | 2003 – 2010 restricted access | Twice weekly | Walking, paddling, picnicking, dog walking | March 2010 fences & notices up restricting access. |
| Mr Alex Twyman | 1946 – 2000 (moved away) | Weekly | Fishing, dog walking, paddling with children, bird watching | See others playing, picnicking, walking |
| Carol Twyman | 1960 – 2000 (moved away) | Weekly | Picnics, walking dogs, children playing, bird watching | Daily see others enjoying land |
| Emma Twyman | 1972 – 2000 (moved away) | Weekly | Paddling, picnicking, rounders, village duck race, bird watching | Three generation of family have enjoyed the land |
| Timothy Upcroft & Mary Clemson | 2002 – 2010 | Weekly | Painting, picnics, walking with family & friends | Daily see kite flying, ball games, walkers, playing in river |
| Mrs Ann Vine | 1988 - | Weekly, now occasionally | Walking, watching grandchildren play | 2010 fence put up. Always seen walkers & children playing |
| Dr. J Volkman | 2001 - | Daily, weekly, monthly (weather dep) | Walking, children paddling & playing in stream, kite flying, picnicking, photography, enjoying nature & wildlife, socialising | Signs put up March 2010 |
| Annabel Ward | 1977 - | Weekly (sometimes daily) | Walking, dog exercising, wildlife, meet friends, bird watching, community activities | Barbed wire & notices March 2010 “no right of access” |
| John & Emmy Watts | 1964 - | Daily | Dog walking, children & grandchildren playing, Easter egg hunts, blackberrying, family fun | Wire fencing put up 2010 |
| Lucy Watts | 1970 - | Frequently | Dog walking, picnics, bird watching, painting, playing, blackberrying | March 2010 fence & signs put up |
| Tim Watts | 1960's - | Frequently as child, now occasionally | Walking, playing games, paddling in river, kite flying, dog walking | Often see others playing, walking etc. |
| Mrs E Wellard | 1996 - | Weekly now monthly | Kite flying, picnics, drawing, children playing in river | Weekly see others using land. Concern for safety with wire put up |
| Mr A White | 1997 - | Occasionally | Walking | See other walkers & families. |
| Mrs C Whiting | 1973 - | As child daily or weekly, 1992 onwards less so | Play games, fishing, kite flying, picnics, meet friends, blackberrying | Daily see other use |

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| Brian Wilkinson | 1998 – 2010 | Daily | Dog walking, taking grandchildren along riverbank, bird watching | See other use – family picnics, walks, games |
| Mrs J Wilkinson | 1966 - | Monthly, occasionally now older | Walking, picnics, blackberrying, playing with grandchildren | Other use by walkers |
| Karen & Malcolm Withers | 2007 - | Daily | Walking, bird watching, playing with grandchildren | March 2010 sign of no access |
| J Wood & M Blake | 1978 - | Often / occasionally | Walking, exploring riverbank | Prevented since March 2010 |
| R Wood & C Savin | 2003 | Occasionally | Dog walking, picnics, playing | |
| The Wright Family | 1987 – 2010 | Daily / weekly over years | Dog walking, children playing, picnics, river exploring | Prevented by current owners |
| Holly Wyles | 2006 - | Weekly | Dog walking | March 2010 |
| Philip Wyles | 2006 - | Daily | Dog walking | Prevented March 2010 |



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

Wickhambreaux

**K965680
(Mr. and Mrs. Perkins)**

**K965436
(Mr. and Mrs. van
de Vyer)**

**K965680
(Mr. and Mrs.
Pierce)**

**K965417
(Premier
Trust)**

**This plan has been prepared for illustrative purposes only.
For details as to the exact boundaries of ownership, please refer to the Land Registry Title plans.**

Scale 1:3500

**Land subject to Village Green application at
Seaton Meadow, Wickhambreaux**

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