

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 1 December 2025.

PRESENT: Mrs B Porter (Vice-Chairman in the Chair), Mr T Mole, Mr M Paul, Mr C Sefton and Mr D Sian

IN ATTENDANCE: Ms M McNeir (Public Rights Of Way and Commons Registration Officer), Mr G Rusling (Head of Public Rights of Way & Access), Ms H Savage (Democratic Services Officer) and Ms S Bonser (Solicitor)

### UNRESTRICTED ITEMS

**1. Apologies and Substitutes**  
*(Item 1)*

There were no apologies or substitutes.

**2. Declarations of Interest for items on the agenda**  
*(Item 2)*

There were no declarations of interest.

**3. Application to register land on the south side of Quantock Drive at Ashford as a new Town or Village Green**  
*(Item 3)*

1. Ms Melanie McNeir (Public Rights of Way and Commons Registration Officer) introduced the report and said that the Council had received an application to register an area of land on the south side of Quantock Drive at Ashford as a new village green from Mr Paul Bartlett. The application had been made under Section 15 of the Commons Act 2006 which enabled any person to apply to a Commons Registration Authority to register land as a village green where it could be shown that a significant number of inhabitants had indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.
2. Ms McNeir provided an overview of the application site, including access points, and explained that Heras fencing had been erected after the application was made and this was not relevant to the determination of the application.

3. Ms McNeir said the necessary consultations had been undertaken and evidence from residents in support of the application had been received (summarised at Appendix C of the report).
4. As set out in the report, Ms McNeir explained the legal tests the Council must consider in determining the application, and the outcome of each test based on evidence received and collated. She said for the application to be successful every test had to be met.
5. Ms McNeir highlighted that a village green registration was an important decision, all tests must be strictly proved, and the interests of both the landowner and residents must be considered. She recommended that the most appropriate course of action in this case was to hold a Public Inquiry where a barrister would be instructed to act as an Inspector to hear evidence both in favour of and in opposition to the application. Ms McNeir explained that, if a Public Inquiry took place, a future Member Panel would determine the application based on the Inspector's advice. She highlighted that any decision made by a Member Panel could be subject to Judicial Review in the High Court.
6. Ms McNeir responded to questions of clarification from Panel Members including the following:
  - Further information from Ashford Borough Council regarding the installation of the playground had been requested. Ms McNeir believed it had been there throughout the 20-year period.
  - The land was owned by Blue Sky Estates before it was purchased by the current landowner.
  - Any future use of the land was not taken into account by KCC in relation to the village green application.
  - 82 evidence questionnaires had been submitted.
  - Following internal procurement procedures, the Public Inquiry would likely take place in the spring of 2026, with a decision expected in the summer.
  - The cost of a Judicial Review would be substantially more than a Public Inquiry, however this was not taken into account as part of the decision-making process.
7. The Applicant, Mr Paul Bartlett, addressed some of the points included at paragraph 15 of the report. Regarding a recognisable locality of the area he said this was demonstrated by the electoral ward at Ashford Borough Council. All user evidence forms were from residents, many identifying themselves as residents of the estate. The area comprised a housing estate with only two entrance and exit points, making it self-contained and meeting qualifying features. Regarding the user evidence that had been submitted he said local residents had gone to great lengths to complete a large volume of forms, and the reported activities were typical of village green applications. Regarding use of the application site he said certain rights could be acquired on the basis of presumed dedication by the landowner where public use was without force, secrecy or permission, so this test had

been met. Regarding whether a 'trigger event' had occurred he said marketing of the land for sale did not have any relevance and the application predated any transfer of ownership.

8. The Landowner, Mr Hussain Ahmad, supported the recommendation in the report. He said a Public Inquiry was a fair and appropriate way forward and he would reserve detailed comments for the Inquiry.
9. Mrs Pamela Williams, the Local Member, provided the following statement prior to the meeting. This had been circulated to all Panel Members and interested parties. The Panel Members confirmed they had read the statement.

*From Councillor Pamela Williams, Local Member*

*Dear Chair and Members of the Committee,*

*I am writing to provide my formal representation regarding Kent County Council Village Green Application VGA 700, as I am unable to attend the meeting in person.*

*As the Local Member for the area, I wish to place on record my full support for this application.*

*1) Strong Community Benefit*

*This area of land has long provided a valuable and much-loved space for informal recreation, walking, play, and general community use. Its registration as a Village Green would offer lasting protection for a resource that residents rely on and deeply value.*

*2) Longstanding and Consistent Use*

*Residents have informed me that this land has been used openly, regularly, and without interruption for \*\*well over 20 years\*\*. This long period of continuous use "as of right" clearly supports the statutory criteria for Village Green registration.*

*3) Preservation of Local Character*

*Safeguarding this space as a Village Green will help preserve the character of the area and maintain an essential green asset within the community. This aligns with both local priorities and the expressed wishes of many residents who have contacted me.*

*4) Public Interest*

*Registration would ensure continued public access and provide a long-term community benefit. I believe it is firmly in the public interest to protect this land for current and future generations.*

*In conclusion, I respectfully ask the Committee to consider the strong evidence and the clear local support for this application. I fully endorse the*

*registration of this land as a Village Green and would be grateful if my support is recorded in my absence.*

*Yours sincerely,  
Councillor Pamela Williams  
Local Member for the Area  
Kent County Council*

10. Mr Mole asked if the Applicant knew the land was being put up for sale. Mr Bartlett explained that residents contacted him at the end of January, before the auction date, and he began to distribute evidence questionnaires on 9 February.
11. Mr Paul asked how much of the land was used as a children's play area and Ms McNeir explained that only part of the village green application site included the play area.
12. Mr Mole asked about the previous landowner and Ms McNeir confirmed that evidence indicated that Blue Sky Estates made no effort to prevent use of the land for informal recreational purposes.
13. The Chair put the recommendation in the report, that a Public Inquiry be held into the case to clarify the issues, to the vote and it was agreed unanimously.
14. RESOLVED that a Public Inquiry be held into the case to clarify the issues.

**4. Application to register land at Trilby Way at Whitstable as a new Town or Village Green**

*(Item 4)*

*This item was taken after Item 5.*

1. Ms Melanie McNeir, Public Rights of Way and Commons Registration Officer, introduced the report and said that the Council had received an application to register an area of land at Trilby Way at Whitstable as a new Town or Village Green from Canterbury City Council. The application had been made under Section 15(8) of the Commons Act 2006 which enabled the owner of any land to apply to voluntarily register land as a new Village Green without having to meet the qualifying criteria. Ms McNeir explained the application had been made in connection with the City Council's aims of increasing protected green space and to safeguard the land against potential future development.
2. Ms McNeir explained that, as required by the regulations, Notice of the application had been published on KCC's website. She provided an overview of the land, including access points, and explained that the plan at Appendix A included a path crossing the application site which was not

within the ownership of the Applicant and had been excluded for the purposes of registration.

3. The Land Registry search confirmed that Canterbury City Council was the owner of the land and Ms McNeir said the land if registered as a village green, would continue to be maintained by Canterbury City Council.
4. Ms McNeir explained that it was necessary to identify the locality in which the users of the land reside and confirmed that Seasalter was the qualifying locality for the purposes of this application.
5. Mr Stuart Heaver, the Local Member, addressed the Panel in support of the application.
6. The Chair put the recommendation in the report, that the Applicant be informed that the application to register land at Trilby Way at Whitstable has been accepted and the land subject to the application (as shown at Appendix A) be formally registered as a village green, to the vote and it was agreed unanimously.
7. RESOLVED that the Applicant be informed that the application to register land at Trilby Way at Whitstable has been accepted and the land subject to the application (as shown at Appendix A) be formally registered as a village green.

**5. Application to register land at Duncan Down at Whitstable as a new Town or Village Green**  
(Item 5)

*This item was taken after Item 3.*

1. Ms Melanie McNeir, Public Rights of Way and Commons Registration Officer, introduced the report and said that the Council had received an application to register an area of land at Duncan Down at Whitstable as a new Town or Village Green from Hyde Housing Association Ltd. The application had been made under Section 15(8) of the Commons Act 2006 which enabled the owner of any land to apply to voluntarily register land as a new Village Green without having to meet the qualifying criteria. Ms McNeir explained that the application was the culmination of longstanding negotiations between the developer of the adjoining residential estate and the Friends of Duncan Down to preserve the area as a recreational facility and wildlife habitat, and to safeguard the land against possible future development.
2. Ms McNeir provided an overview of the land and explained that in respect of voluntary applications, there was no need for any legal tests to be met and the relevant criteria for the voluntary registration of land as a new Town or Village Green under section 15(8) of the Commons Act 2006 required only that the County Council was satisfied that the land was owned by the

applicant. Ms McNeir highlighted that Appendix A to the report included areas of land surrounding the application land which had historically been granted village green status.

3. Ms McNeir said the necessary consultations had been carried out and no objections had been received. The Land Registry search confirmed that Hyde Housing Association Ltd was the owner of the land.
4. Ms McNeir explained that it was necessary to identify the locality in which the users of the land reside and confirmed that the electoral ward of Gorrell was the qualifying locality for the purposes of this application.
5. Ms McNeir and Mr Ashley Clark (Secretary to the Friends of Duncan Down) answered questions of clarification from Panel Members which related to the different areas of the map at Appendix A, and previous applications for village green status on the surrounding land.
6. Mr Ashley Clark, Secretary to the Friends of Duncan Down, addressed the Panel in support of the application. He explained that the land was managed in partnership with Canterbury City Council and had been run as a nature reserve since 2005. During the last 20 years the land had received 20 Green Flag Awards for excellence. Mr Clark explained that the Friends of Duncan Down spent approximately 1000 hours a year maintaining the land and had a good relationship with the developer. Mr Clark urged the Panel to accept the officer recommendation.
7. Mr Stuart Heaver, the Local Member, addressed the Panel in support of the application. He described the site as a historical landmark and paid tribute to Mr Clark and his team for their hard work. He said it was a community effort supported by the residents of Whitstable. He highlighted that green spaces were much needed to offset development and to provide a green buffer between housing estates.
8. Panel Members asked about maintenance of the land and Mr Clark explained that the Friends of Duncan Down would continue to maintain the land and Canterbury City Council would continue to cut the grass.
9. The Chair put the recommendation in the report, that the Applicant be informed that the application to register land at Duncan Down at Whitstable has been accepted and the land subject to the application (as shown at Appendix A) be formally registered as a village green, to the vote and it was agreed unanimously.
10. RESOLVED that the Applicant be informed that the application to register land at Duncan Down at Whitstable has been accepted and the land subject to the application (as shown at Appendix A) be formally registered as a village green.

**6. Other items which the Chairman decides are urgent**  
*(Item 6)*

There were none.