

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

A report by the Head of PROW and Access Service to Kent County Council's Regulation Committee Member Panel on Monday 1st December 2025.

Recommendation: I recommend that the Applicant be informed that the application to register the land at Trilby Way at Whitstable has been accepted, and that the land subject to the application (as shown at Appendix A) be formally registered as a Town or Village Green.

Local Member: Mr. S. Heaver (Whitstable West)

Unrestricted item

Introduction

1. The County Council has received an application to register land at Trilby Way at Whitstable as a new Town or Village Green from Canterbury City Council ("the Applicant"). The application, made on 4th June 2025, was allocated the application number VGA701.

Procedure

2. Traditionally, Town and Village Greens have derived from customary law and until recently it was only possible to register land as a new Town or Village Green where certain qualifying criteria were met: i.e. where it could be shown that the land in question had been used 'as of right' for recreational purposes by the local residents for a period of at least 20 years.
3. However, a new provision has been introduced by the Commons Act 2006 which enables the owner of any land to apply to voluntarily register the land as a new Village Green without having to meet the qualifying criteria. Section 15 states: "(8) *The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.*
(9) *An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.*"
4. Land which is voluntarily registered as a Town or Village Green under section 15(8) of the Commons Act 2006 enjoys the same level of statutory protection as that of all other registered greens and local people will have a guaranteed right to use the land for informal recreational purposes in perpetuity. This means that once the land

is registered it cannot be removed from the formal Register of Town or Village Greens (other than by statutory process) and must be kept free of development or other encroachments.

5. In determining the application, the County Council must consider very carefully the relevant legal tests. In the present case, it must be satisfied that the applicant is the owner of the land and that any necessary consents have been obtained (e.g. from a tenant or the owner of a relevant charge). Provided that these tests are met, then the County Council is under a duty to grant the application and register the land as a Town or Village Green.

The Case

Description of the land

6. The land proposed to be registered as a Village Green ("the Application Site") consists of an area of approximately 2 acres (0.8 hectares) in size situated on the northern side of Trilby Way at Whitstable. The site comprises open space that is mainly laid to grass, with a large children's play area on the western side and a Multi-Use Games Area (MUGA) on the eastern side. Access to the site is available at several points along Trilby Way, or via entrances on the northern side of the site at Sheppey Way and Sand End.
7. It is to be noted that the plan accompanying the application included the path crossing the Application Site between Sheppey View and Trilby Way; however, the land over which the path passes is not within the ownership of the applicant and has therefore been excluded for the purposes of registration.
8. A plan of the Application Site is attached at **Appendix A**, with photographs of it at **Appendix B**.

Background

9. The Application Site is situated on (and was provided by the developer as part of) the Mariner's View estate at Whitstable. The land was transferred to Canterbury City Council on 19th March 2009 with a restrictive covenant that it not be used for any purpose other than recreation or sports, and it is also formally designated as Open Space in the Local Plan. The land is maintained by Canenco, the City Council's environmental company.
10. The City Council wishes to register the land as a Village Green in accordance with its corporate aims of increasing protected green space, and also to provide the strongest level of protection against any future development. Once registered, the land will remain in the City Council's ownership and management.

Notice of Application

11. As required by the regulations, Notice of the application was published on the County Council's website.

Ownership of the land

12. The entirety of the Application Site is registered to Canterbury City Council under Land Registry Title K952543.
13. There are no other interested parties (e.g. leaseholders or owners of relevant charges) named on the Register of Title in respect of the Application Site.

The 'locality'

14. DEFRA's view is that once land is registered as a Town or Village Green, only the residents of the locality have the legal right to use the land for the purposes of lawful sports and pastimes. It is therefore necessary to identify the locality in which the users of the land reside.
15. A locality for these purposes normally consists of a recognised administrative area (e.g. civil parish or electoral ward) or a cohesive entity (such as a village or housing estate).
16. In this case, the land is situated within an unparished area and therefore the most appropriate locality is considered to be the the Canterbury City Council electoral ward of Seasalter, which is a legally recognised administrative unit with defined boundaries that would constitute a qualifying locality for the purposes of this application.

Conclusion

17. As stated at paragraph 3 above, 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 requires only that the County Council is satisfied that the land is owned by the applicant. There is no need for the applicant to demonstrate use of the land 'as of right' for the purposes of lawful sports and pastimes over a particular period.
18. It can be concluded that all the necessary criteria concerning the voluntary registration of the land as a Village Green have been met.

Recommendation

19. I recommend that the Applicant be informed that the application to register the land at Trilby Way at Whitstable has been accepted, and that the land subject to the application (as shown at **Appendix A**) be formally registered as a Town or Village Green.

Accountable Officer:

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Appendices

APPENDIX A – Plan showing application site

APPENDIX B – Photographs of the application site