

FORM CA9

Commons Act 2006: section 15

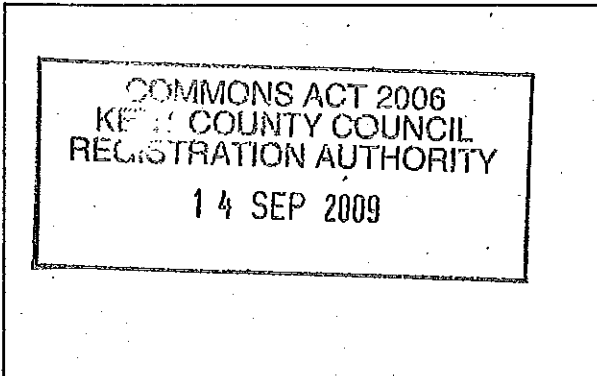
Application for the registration of land
as a new Town or Village Green

APPENDIX B:
Copy of the application form



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:



Application number:

VGA617

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
COMMONS REGISTRATION TEAM
COUNTRYSIDE ACCESS SERVICE
INVICTA HOUSE
COUNTY HALL
MAIDSTONE
KENT ME14 1XX

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: GRASMERE PASTURES RESIDENTS ACTION GROUP
Full postal address: C/O MRS EILEEN WATKINS
(incl. Postcode) 28 RICHMOND ROAD
WHITSTABLE, KENT CT5 3HS
Telephone number: (01227) 262103
(incl. national dialling code)
Fax number: N/A
(incl. national dialling code)
E-mail address: eileen.jay@talktalk.net

Note 3

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

3. Name and address of representative, if any

N/A

Name:
Firm:
Full postal address:
(incl. Postcode)
Telephone number:
(incl. national dialling code)
Fax number:
(incl. national dialling code)
E-mail address:

Note 4

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

4. Basis of application for registration and qualifying criteria

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

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

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

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

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

USE AS OF RIGHT WAS ENDED IN OCTOBER 2004 WHEN THE LANDLORD FIRST OBSTRUCTED USE OF THE LAND BY ERECTING FENCE ALONG ONE SIDE OF THE LAND -ALONG THE RIDGEWAY

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:

N/A

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: GRASMERE PASTURES

Location: THE LAND LIES SOUTH OF THE JOHN WILSON INDUSTRIAL ESTATE, WITH BOUNDARIES MARKED BY THE RIDGEWAY TO THE NORTH, GRASMERE ROAD TO THE SOUTH, RICHMOND ROAD TO THE WEST, & SWALECLIFFE BROOK TO THE EAST
Common Land register unit number (only if the land is already registered Common Land):

N/A

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

Note 6

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

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

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

THE LOCALITY IS THE CANTERBURY CITY COUNCIL WARD CALLED CHESTFIELD & SWALECLIFFE (MARKED IN BLACK)
~~THE NEIGHBOURHOOD IS SHOWN IN GREEN ON THE ATTACHED~~

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

A FULL STATEMENT IS ATTACHED
THE LAND KNOWN AS GRASMERE PASTURES WAS USED BY LOCAL RESIDENTS LIVING IN THE CANTERBURY CITY COUNCIL WARD OF CHESTFIELD & SWALECLIFFE FOR RECREATIONAL & LEISURE ACTIVITIES FOR MORE THAN 20 YEARS IN THE PERIOD UP TO OCTOBER 2004. NOBODY EVER CHALLENGED THE RIGHT OF RESIDENTS TO USE THE FIELD UNTIL 2004 WHEN THE LANDLORD ERECTED FENCES ALONG ONE PERIMETER. RESIDENTS HAD ENJOYED MANY PURSUITS ACCEPTED BY THE COURTS AS RECREATIONAL ACTIVITIES. FOR A FEW DAYS EACH YEAR, THE HAY CROP WAS HARVESTED. THIS MADE NO DIFFERENCE AT ALL TO THE USE OF THE LAND, WHICH CONTINUED WITHOUT INTERRUPTION. AFTER 1984, THERE WAS NO CULTIVATION OF THE LAND & NO AGRICULTURAL USE OF ANY SIGNIFICANCE. THROUGHOUT THE PERIOD 1984-2004, THERE WAS NO INDICATION AS TO WHO OWNED THE LAND NOR ANY ASSERTION OF TITLE TO THE LAND.

THE APPLICANTS BELIEVE THAT THE CRITERIA FOR REGISTRATION AS A VILLAGE GREEN ARE MET IN FULL, AS EVIDENCED MORE FULLY IN THE ATTACHED STATEMENT AND SUPPORTING EVIDENCE.

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

MR M. LEWER
OW PRGSLAND LTD
99 QUEENS DRIVE
LONDON
N4 2BE

**IN THE MATTER OF LAND KNOWN AS GRASMERE PASTURE OR 'THE
FIELD' CHESTFIELD, KENT AND THE REGISTRATION OF THAT LAND
AS A VILLAGE GREEN.**

**SUPPORTING STATEMENT
CONTENTS REFERRED TO IN SUPPORTING STATEMENT
TEXT**

1. **Summary – Of important points of evidence.**
2. **Supporting Statement.**
3. **REF.A - Map 'A'.**
4. **REF.B - Canterbury City Council letter.**
5. **REF.C - C1 C.C.C. –District Local Plan Map.
C2 C.C.C. – Policy Document.**
6. **REF.D. - Extract from – Local Plan Inspector's Report
para. 3.3.21, page 75.**
7. **REF.E - Mr. Goldsmiths letter dated 1.4.1989**
8. **REF.F - Extract from Mr. Watkins' representations to
C.C.C. on The Local Plan Review.**
9. **REF.G - Witness statement of Deborah Merrick dated
23.11.05.**
10. **REF.H - Photographs of flooding – 1987.**
11. **REF.I - Extracts from Mr. B.S. Furneaux's report on
condition of the land.**
12. **REF.J - Witness Statement/supporting letter
Mrs. P.Spencer and Mrs M.Lucke.**
13. **REF.K - Photographs illustrating use of the field -
Children playing, walkers.**
14. **REF.L - Extract from Mr Lewer's witness statement.**
15. **REF.M - Mr. Goldsmith's witness statement.**
16. **REF.N - Map 'B' - the locality.**
17. **REF.O - Map 'C' – Neighbourhood and location of users.**

**COPIES OF COMPLETE OBJECTOR'S WITNESS
STATEMENTS.**

**THESE ARE INCLUDED FOR REFERENCE AND PROOF OF
AUTHENTICITY OF EXTRACTS REFERED TO ABOVE.**

- REF.P - Mr.M.Lewer**
- REF.R - Mr.R.P.Watkins**
- REF.S - Mr.N.W.Strand**
- REF.T - Mr.K.V.Goldsmith**
- REF.U - Mr.N.Sands**
- REF.W - Mr.G.W.J.Sumner**
- REF.X - Mrs Deborah Merrick**

Note 9

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

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

N/A

Note 10

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

10. Supporting documentation

- SUPPORTING STATEMENT - CONTENTS AS ATTACHED CONTENTS LIST.
- APPROX 180 USER EVIDENCE QUESTIONNAIRES

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

- PLEASE SEE ATTACHED STATEMENT POSSIBLE CHALLENGES FROM..
- MR. M. LEWER - D.W. PRESLAND LTD
99 QUEENS DRIVE LONDON N4 2BE
 - KITEWOOD ESTATES LTD.
WHITE TREES HOUSE, 3, ASHFORD ROAD,
MAIDSTONE KENT ME14 5BJ.
 - MR. N. SANDS
68 WILLOW FARM WAY, BROOMFIELD, HERNE BAY,
KENT, CT6 7QH

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):

E. J. Watkins

Date:

14th September 2009**REMINDER TO APPLICANT**

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

Please send your completed application form to:

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

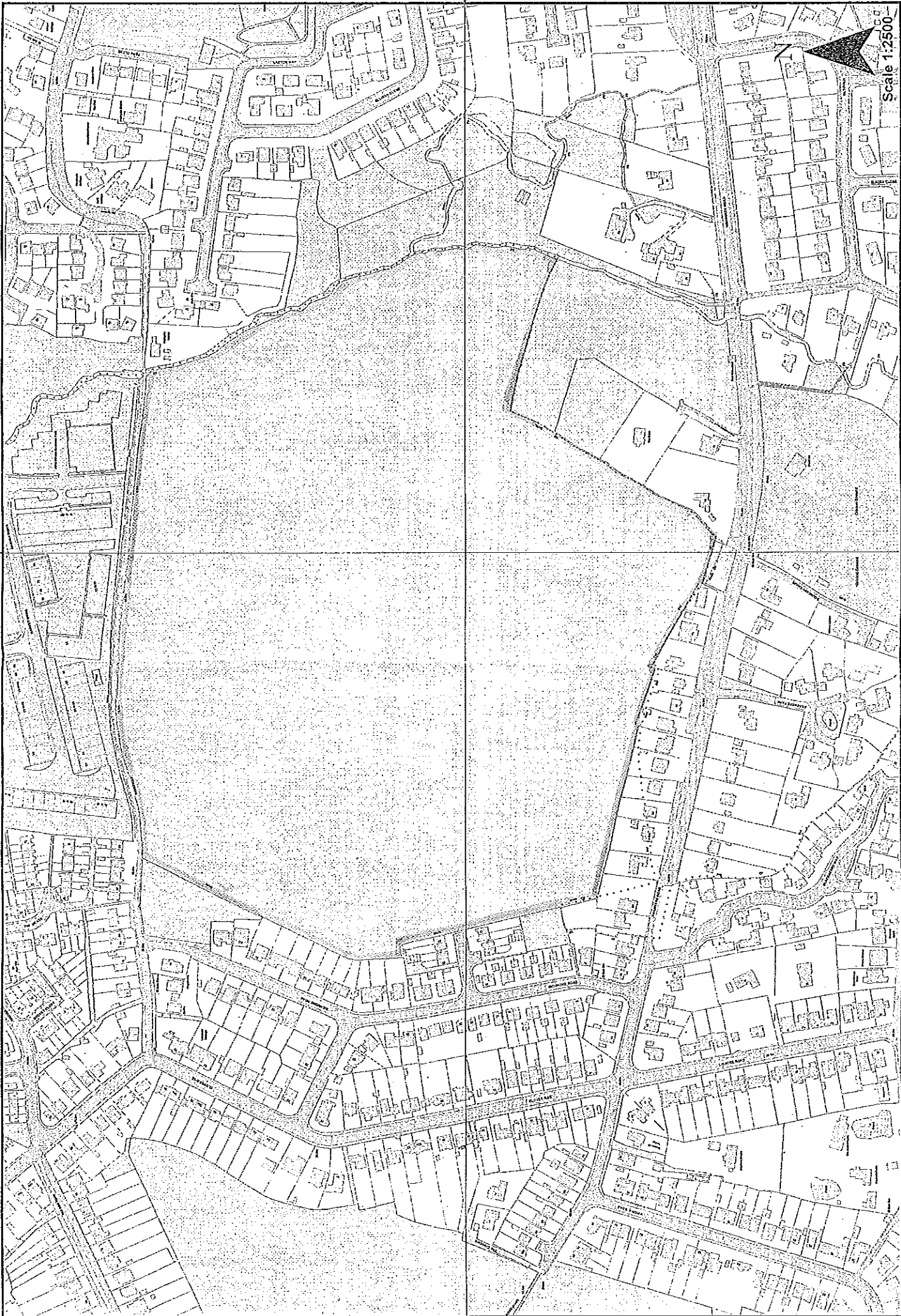
Data Protection Act 1998

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

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

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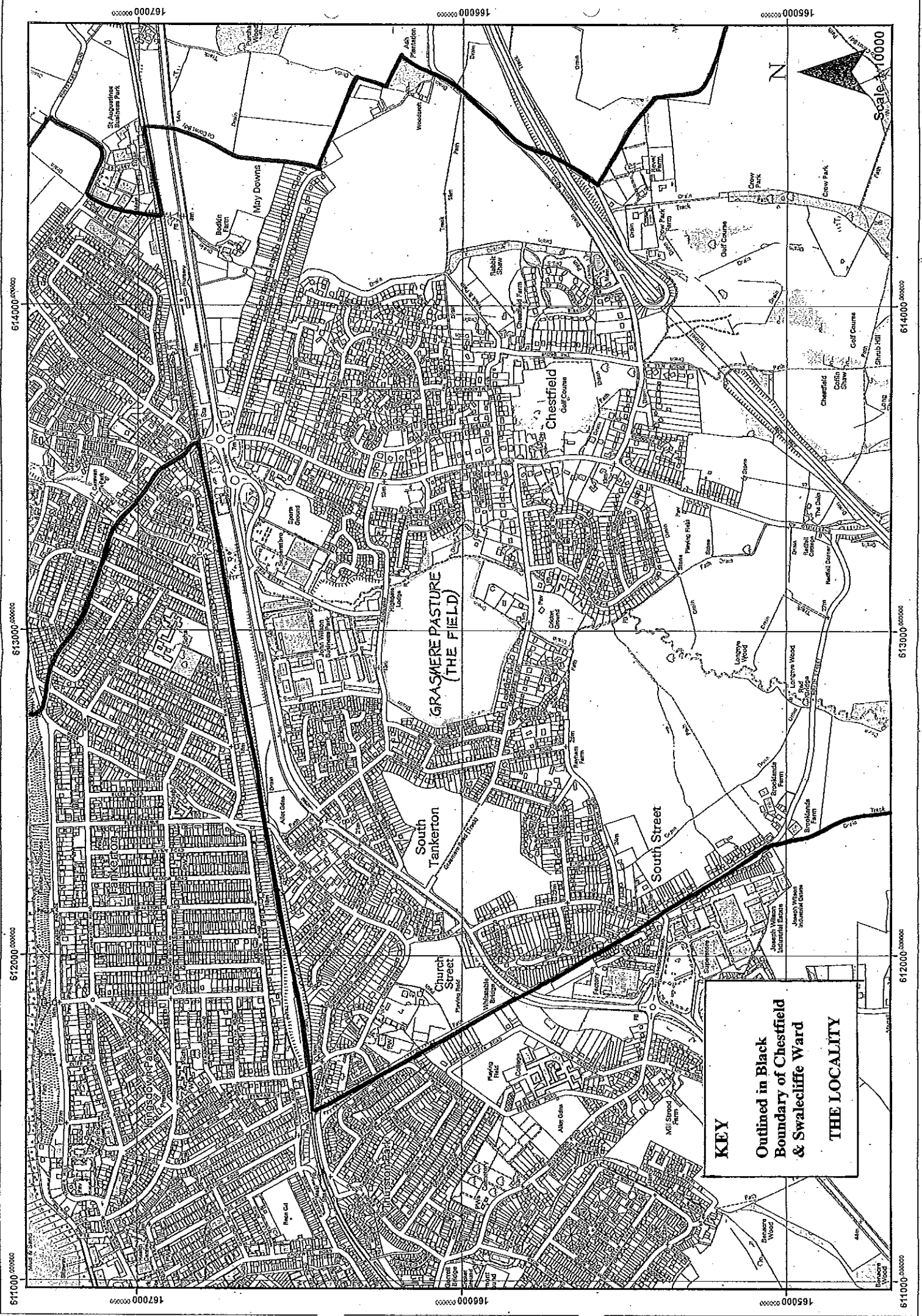
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KEY
Outlined in Black
Boundary of Chestfield
& Swalecliffe Ward
THE LOCALITY