

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 *Whitney*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 (Whitney) 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.

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

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

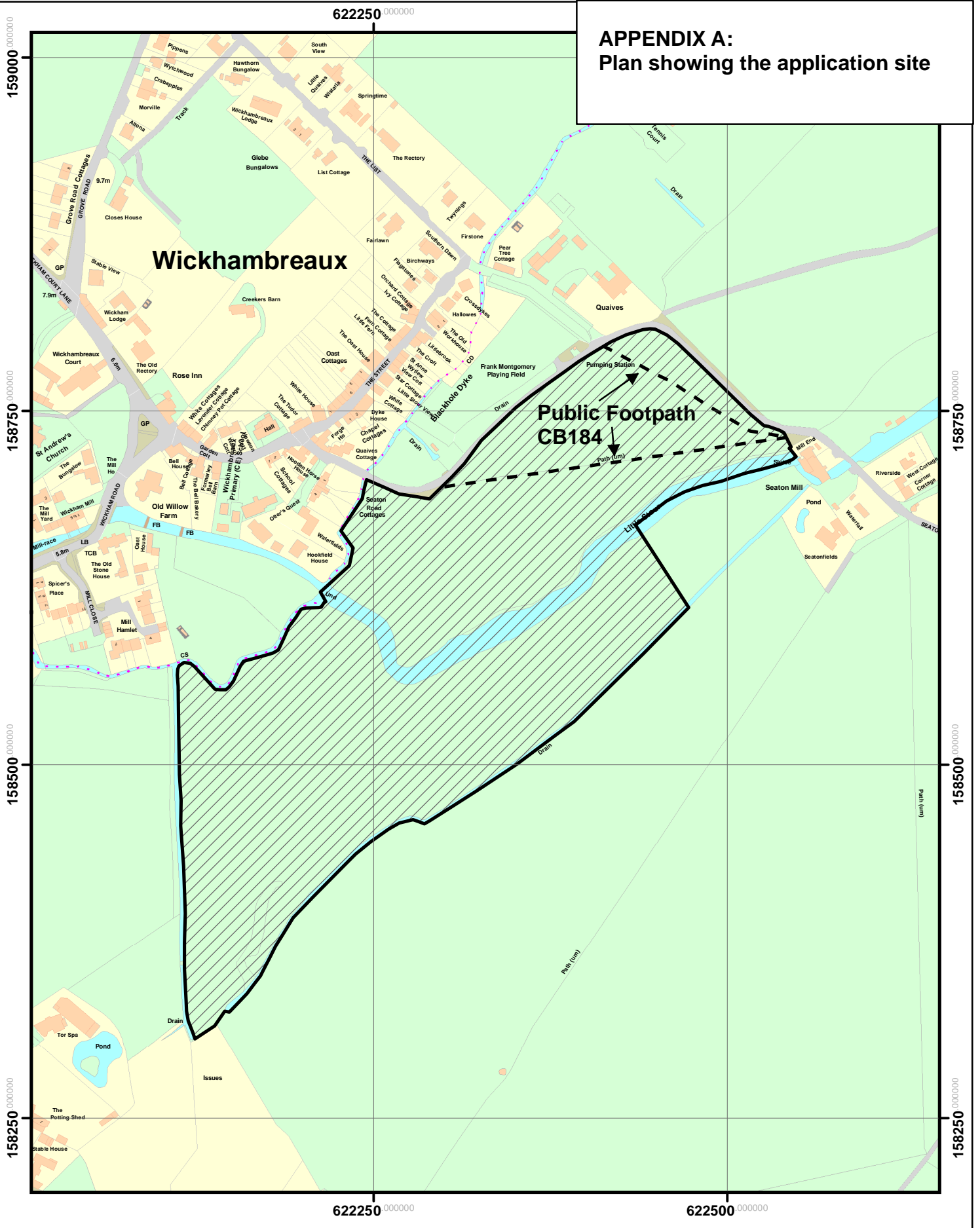
APPENDIX A – Plan showing application site

APPENDIX B – Copy of application form

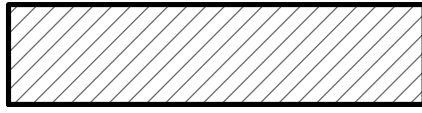
APPENDIX C – Summary of user evidence

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**



FORM CA9

APPENDIX B:
Copy of application form

Commons Act 2006: section 15

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

County
Council



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 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 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, Tenterden TN 30 6FA and
D.A. Phillips + Co. Ltd, Bridewell House, Bridewell Lane, Tenterden 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

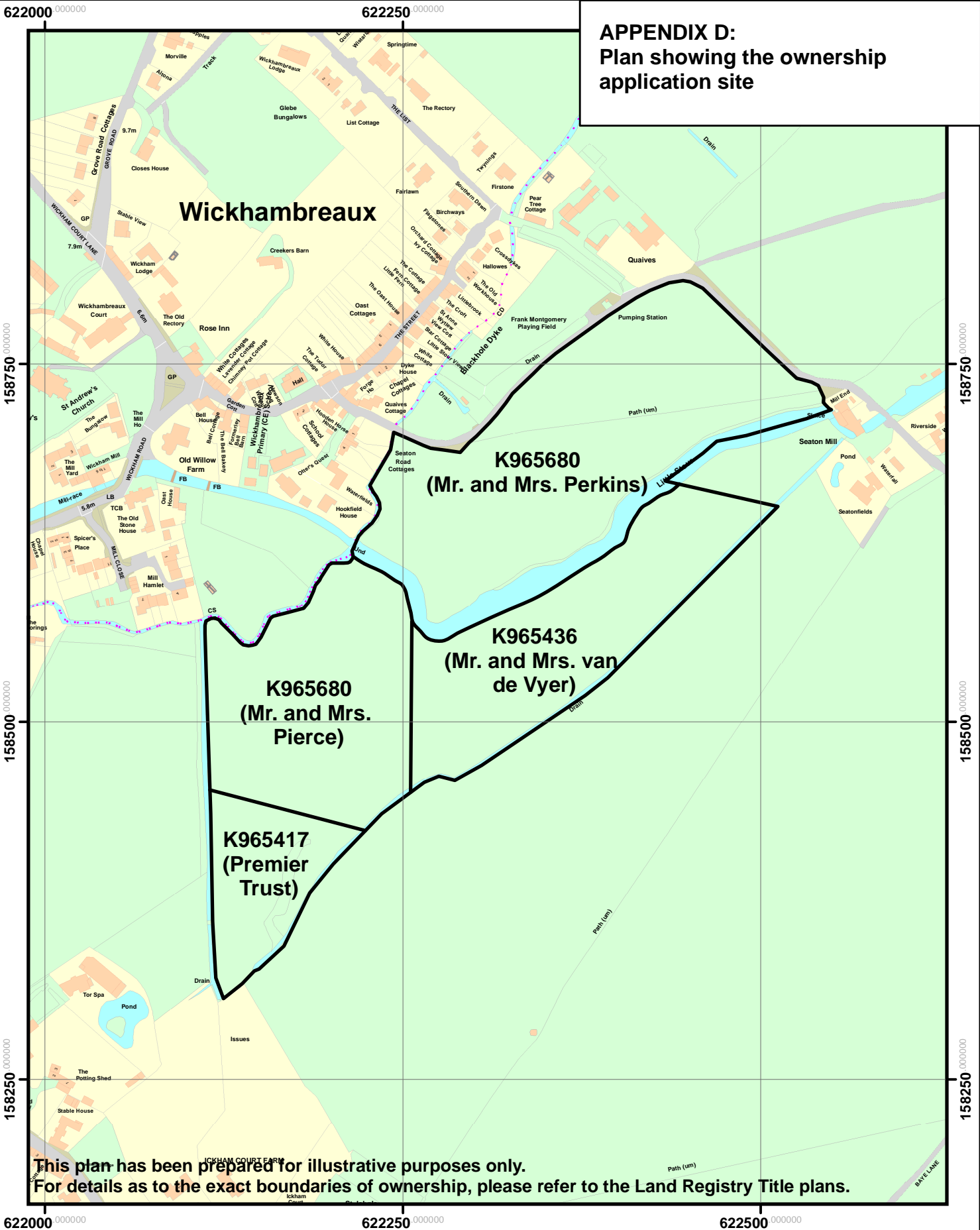
Mrs M. Gooderon	1996 – 2010 fenced off	Occasionally	Walking, bird watching	2010 fence put up. Others walking, picnics, children playing, bird watching
Mrs K. Gower	1985 – 2010 fenced off	Occasionally to 2008 then daily	Dog walking, picnics, playing as child, school outings	Fence installed & signs Feb 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

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. Mauduit	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

			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

		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

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

M
Scale 1:3500

Land subject to Village Green application at
Seaton Meadow, Wickhambreaux

