

Application to register land at Four Acres at East Malling as a new Village Green

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Monday 21st January 2013.

Recommendation: I recommend that the County Council informs the applicant that the application to register the land at Four Acres at East Malling as a new Village Green has been accepted, and that the land subject to the application be formally registered as a Village Green.

Local Members: Mrs. T. Dean

Unrestricted item

Introduction

1. The County Council has received an application to register land at Four Acres in the parish of East Malling as a new Village Green from local resident Mrs. J. Kollnberger ("the Applicant"). The application, made on 13th February 2012, was allocated the application number VGA643. A plan of the site is shown at **Appendix A** to this report and a copy of the application form is attached at **Appendix B**.

Procedure

2. The application has been made under section 15 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.
3. Section 15 of the Commons Act 2006 enables any person to apply to a Commons Registration Authority to register land as a Village Green where it can be shown that:
'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
4. In addition to the above, the application must meet one of the following tests:
 - **Use of the land has continued** 'as of right' until at least the date of application (section 15(2) of the Act); or
 - **Use of the land 'as of right' ended no more than two years prior to the date of application**, e.g. by way of the erection of fencing or a notice (section 15(3) of the Act); or
 - **Use of the land 'as of right' ended before 6th April 2007** and the application has been made within five years of the date the use 'as of right' ended (section 15(4) of the Act).
5. As a standard procedure set out in the 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”) consists of a roughly triangular area of land of approximately 0.1 hectares (0.4 acres) in size situated on the northern-western corner of the housing estate known as Four Acres in the parish of East Malling and Larkfield. The site is shown on the plan at **Appendix A**.
7. The application site consists of an open area with grassed surface which is bounded by hedges and fencing from neighbouring properties. Access to the site is via the garage block serving properties on the estate or via Public Footpath MR105 which runs along the northern boundary of the site.

The case

8. 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.
9. Provided in support of the application were 38 user evidence questionnaires from local residents, a supporting statement, photographs showing use of the application site, a location map. A summary of the evidence in support of the application is attached at **Appendix C**.

Consultations

10. Consultations have been carried out as required and the following responses have been received.
11. East Malling and Larkfield Parish Council wrote in support of the application and confirmed that the application site had been used for recreation since the housing estate was built by Tonbridge and Malling Borough Council more than 20 years ago.
12. Cllr. L. Simpson also wrote in support of the application and stated that she had played on the application site as a child whilst living on the estate and that her children had played there too.
13. Mrs. T. Dean, the local County Member, also wrote to confirm her support for the application.

Landowner

14. The application site is owned by Russet Homes Ltd. (“the landowner”) and is registered with the Land Registry under title number K699962.
15. The landowner is aware of the application and a representative has visited the County Council’s offices to view the application, however, no objection was received from the landowner during the consultation period.

Legal tests

16. 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'?*

17. 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.

18. In this case, there is no evidence to indicate that use of the application site has been in any way with force, in secrecy or undertaken on a permissive basis. The evidence submitted in support of the application refers to free and unrestricted use throughout the relevant period and there is no evidence on the ground (e.g. old fencing) to suggest that access to the application site has been restricted in any way.

19. Therefore, in the absence of evidence of any challenges to use, use of the application site would appear to have taken place 'as of right'.

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

20. 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 activities².

21. 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*'³.

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

² *R v. Oxfordshire County Council and another, Sunningwell Parish Council* [1999] 3 All ER 385

³ *R v Suffolk County Council, ex parte Steed* [1995] 70 P&CR 487 at 508 and approved by Lord Hoffman in *R v. Oxfordshire County Council, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

22. In this case, the evidence demonstrates that the land has been used for a range of recreational activities, as summarised at **Appendix C**. The majority of use is related to playing in children and, in particular, ball games. Other activities include family picnics, dog exercise and teaching children how to ride bicycles.
23. The nature and location of the Four Acres estate also suggests that this area lends itself to being used for recreational activities by local residents. For example, some of the witnesses state that the gardens of many properties on the estate are too small for activities such as football, cricket and rounders to take place. Other witnesses state that the application site is the only area locally where children are able to gather and play safely, as the estate is isolated from the village centre of East Malling and surrounded by farmland which is not available for recreation.
24. Some of the witnesses refer to the use of the application site as a short cut to access the Public Footpath (MR105) leading to the village centre and local amenities. Such use is a public rights of way type use and must be discounted when considering the Village Green application.
25. There is, nonetheless, sufficient evidence of use for other recreational activities to indicate that the land has been used for 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?

26. When considering a Town or Village Green application, the County Council must be satisfied that the application site has been used by the residents of a specific 'locality' or of a 'neighbourhood within a locality'. This is because the right to use a Town or Village Green is restricted to the inhabitants of a locality, or of a neighbourhood within a locality. 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.
27. The definition of locality for the purposes of a Town or Village Green application has been the subject of much debate in the Courts. In the *Cheltenham Builders*⁴ 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*'.
28. In cases where the 'locality' is so large that it is difficult to show that the application site has been used by a significant number of people from that locality, it will be necessary to consider whether there is a relevant 'neighbourhood' within the wider locality. 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*

⁴ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

*neighbourhood has a sufficient degree of cohesiveness; otherwise the word "neighbourhood" would be stripped of any real meaning*⁵.

29. The County Council also needs to be satisfied that the application site has been used by a 'significant number' of the residents of the locality. 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*'⁶. Thus, what constitutes a 'significant number' will depend upon the local environment and will vary in each case depending upon the location of the application site.

The 'neighbourhood within a locality'

30. In this case, the Applicant specifies the locality at Part 6 of the application form as 'East Malling and Larkfield Parish Council [in the] Borough of Tonbridge and Malling'.

31. The administrative parish of East Malling and Larkfield is a legally recognised locality with defined boundaries. However, the evidence of use is concentrated in a very small part of the parish and it cannot be said that a significant number of the residents of the parish as a whole have used the application site. It is therefore necessary to consider whether there is a qualifying neighbourhood within the locality of East Malling and Larkfield parish.

32. Many of the witnesses, when responding to the locality question on the user evidence questionnaire, state that they consider themselves to be resident of Four Acres, which is the name of the housing estate within which the application site is situated. Certainly, the evidence of use is concentrated from within the estate: of the 40 witnesses, 39 live on the Four Acres estate.

33. The estate was originally developed by Tonbridge and Malling Borough Council and today the communal areas are managed by Russet Homes, with some properties now being in private ownership. Four Acres therefore has the unifying characteristics of a housing estate or neighbourhood. Furthermore, the location of the estate (see **Appendix D**), away from the main village centre and surrounded entirely by farmland, also suggest that it is a distinct and identifiable community that would be capable of constituting a neighbourhood for the purposes of Village Green registration.

'significant number'

34. In this case, only 7 of the 46 households on the Four Acres estate did not provide evidence of use in support of the application. Three quarters of the households that did provide evidence refer to use of the application site on a daily or weekly basis throughout their period of use.

⁵ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at page 92

⁶ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

35. Such use would have been sufficient to indicate to the landowner (who in this case is also responsible for managing other areas on the estate and would have made regular visits) that the application site was in general use by the estate community.
36. Therefore, it can be concluded that the application site has been used by a significant number of the residents of the neighbourhood of Four Acres within the locality of East Malling and Larkfield parish.

(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)?

37. 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).
38. In this case, the application was made in 2012. All of the evidence questionnaires are dated within two weeks of the date of the application. Given the open nature of the application site and the ease of access onto it, there is no evidence to suggest that use has not continued until (and beyond) the date of the application.

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

39. In order to qualify for registration, it must be shown that the land in question has been used for a full period of twenty years. In this case, use of the application site 'as of right' is continuing and, as such, the relevant twenty-year period ("the material period") is calculated retrospectively from the date of the application, i.e. 1992 to 2012.
40. The user evidence summarised at **Appendix C** demonstrates that there has been use of the application site in excess of the last twenty years.
41. Therefore, it can be concluded that there has been use of the application site for a full period of twenty years.

Conclusion

42. Although this application is unopposed, it is still necessary for the County Council to be satisfied that all of the requisite legal tests have been met. In this case, the evidence demonstrates that the application site has been used by local residents for a period of over 20 years for the purposes of lawful sports and pastimes.
43. From close consideration of the evidence submitted, it can therefore be concluded that the legal tests concerning the registration of the land as a Village Green (as set out above) have been met.

Recommendation

44.I recommend that the County Council informs the applicant that the application to register the land at Four Acres at East Malling as a new Village Green has been accepted, and that the land subject to the application be formally registered as a Village Green.

Accountable Officer:

Mr. Mike Overbeke – Tel: 01622 221500 or Email: mike.overbeke@kent.gov.uk

Case Officer:

Ms. Melanie McNeir – Tel: 01622 221511 or Email: melanie.mcneir@kent.gov.uk

The main file is available for viewing on request at the offices of the Countryside Access Service at Invicta House, County Hall, Maidstone. Please contact the Case Officer for further details.

Background documents

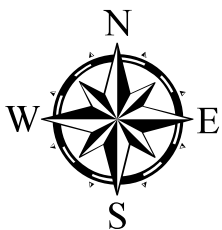
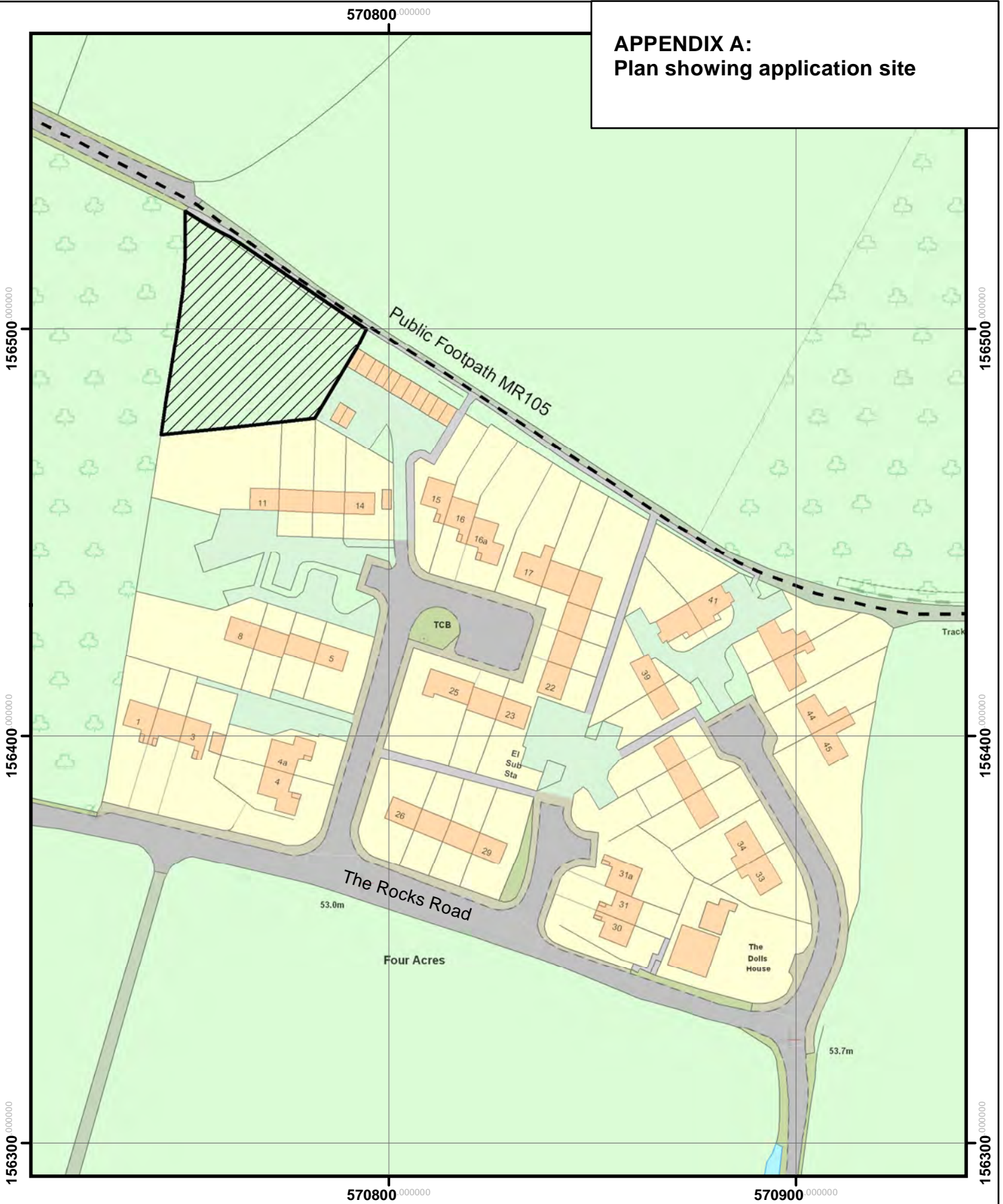
APPENDIX A – Plan showing application site

APPENDIX B – Copy of application form

APPENDIX C – Table summarising user evidence

APPENDIX D – Plan showing the locality

**APPENDIX A:
Plan showing application site**



Scale 1:1250

**Land subject to Village Green application
at Four Acres in the parish of
East Malling and Larkfield**



FORM CA9

Commons Act 2006: section 15

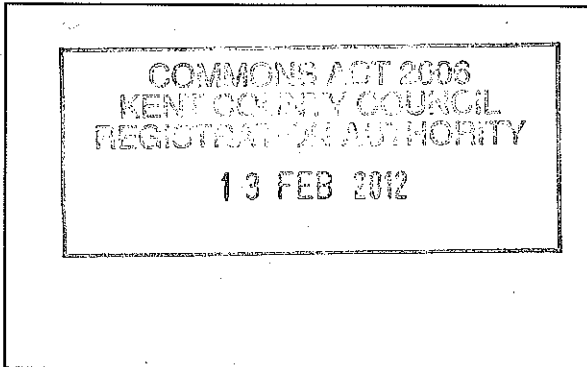
**Application for the registration of land
as a new Town or Village Green**

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:

VGA673

VG number allocated at registration
(if application is successful):

[Empty box for VG number]

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

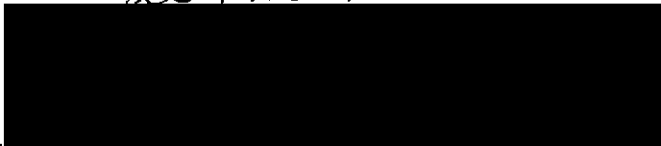
To the: KENT COUNTY COUNCIL
THE COMMONS REGISTRATION TEAM
COUNTRYSIDE ACCESS SERVICES
INVICTA HOUSE
COUNTY HALL
MAIDSTONE KENT ME14 1XX

Note 2

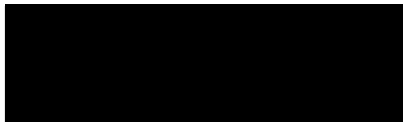
If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or 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: JOANNA KOLLNBERGER
(ON BEHALF OF THE FOUR ACRES RESIDENTS)
Full postal address: SEE APPENDIX 4
(incl. Postcode)

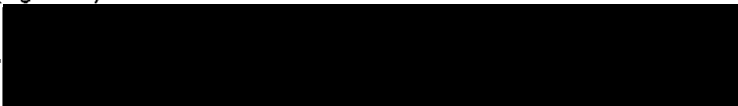


Telephone number:
(incl. national dialling code)



Fax number:
(incl. national dialling code)

E-mail address



Note 3

This part should be completed if 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

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:



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

PLEASE SEE APPENDIX 4.

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

RUSSET HOMES
1-3 MARTIN SQUARE
LARKFIELD
AYLESFORD, KENT
ME20 6QL
TEL: 01732 780 999

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

- APPENDIX 1 - List of local residents
- APPENDIX 2 - Location map
- APPENDIX 3 - Background information
- APPENDIX 4 - Justification for application
- APPENDIX 5 - Photographs
- APPENDIX 6 - 38 copies of the completed evidence questionnaire (list of the residents is attached in appendix 1)

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

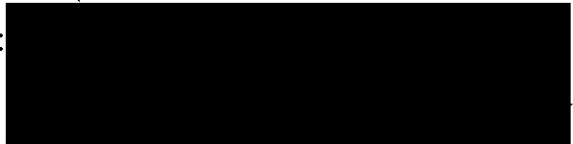
RUSSET HOUSING WHO OWN THE LAND ARE CURRENTLY LOOKING TO REDEVELOP "THE GREEN" AREA.
THE PLANNING APPLICATION HAS NOT BEEN SUBMITTED,
THE CONSULTATION PROCESS WILL LAST UNTIL THE END OF MARCH 2012 AND ANY PLANNING APPLICATION WOULD BE MADE THEREAFTER TO TONBRIDGE & MALLING BC.

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: 12/02/2020

REMINDER TO APPLICANT

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

Please send your completed application form to:

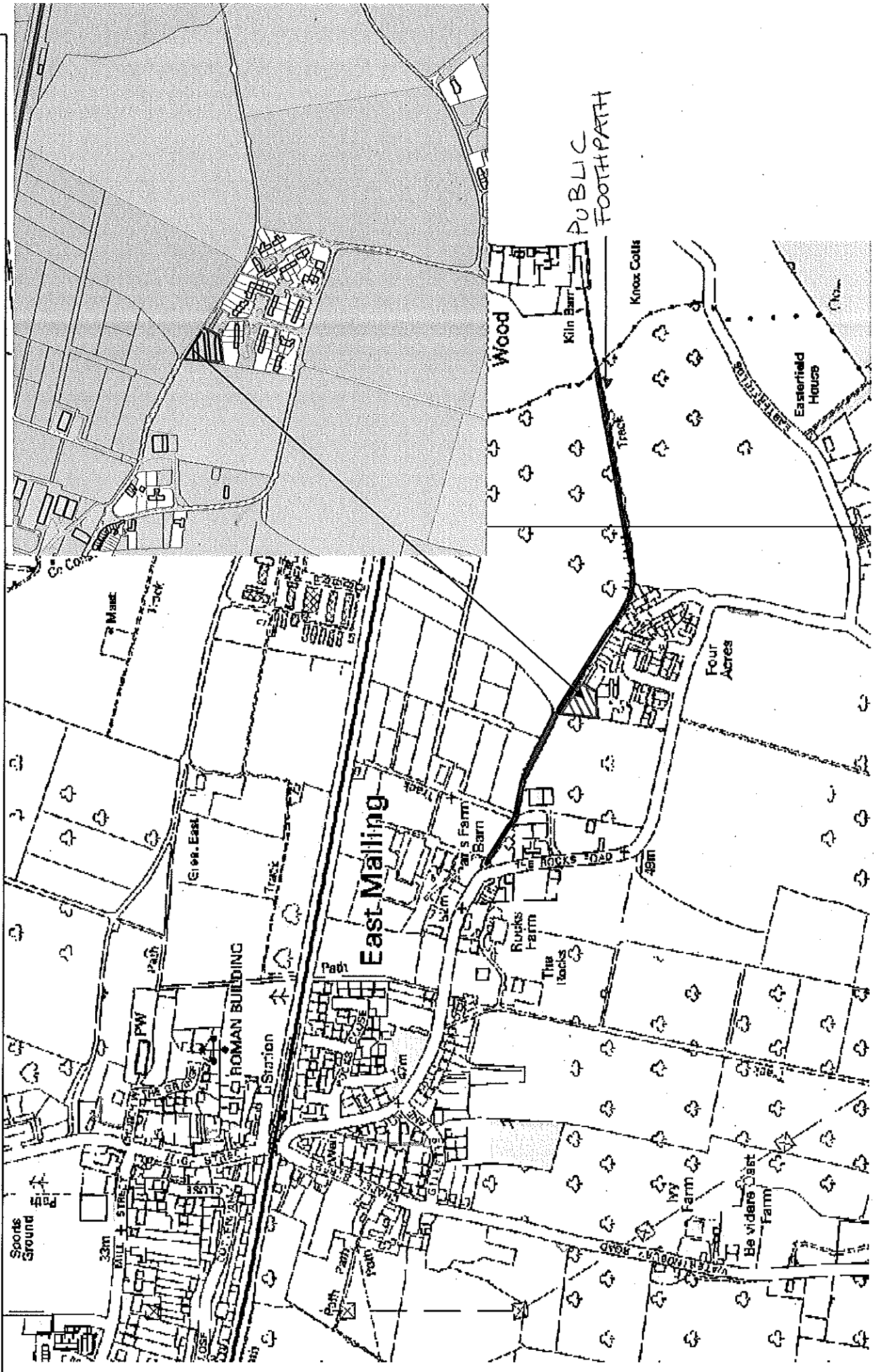
**The Commons Registration Team
Kent County Council
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX**

Data Protection Act 1998

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

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

Appendix 2 - LOCATION MAP
The Green, Four Acres, East Malling ME19 6AY
TQ7076656499



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

Name	Period of use	Frequency	Activities	Other comments
Mr. M. AUSTEN	1984 – present	Weekly	Football, playing with children	Have used land as a cut through to shops
Mr. D. BALSDON	1989 – present	Daily	Dog walking in summer months	Observed use by others on a daily basis. The land is important as it is the only public place for use of estate residents.
Ms. J. BOORMAN	1965 – present	Daily	Children played on it	Observed use by others on a daily basis
Mr. R. BOXALL	1990 – present	Occasionally	Pet exercise, playing with children	Land is the only local area where children can play safely.
Mr. P. BUDD	1970 – present	Occasionally	Ball games	Used daily when children were young, now occasionally with grandson. Resident of Four Acres.
Ms. P. CLEMENTS	2000 – present	Daily, now occasionally	Dog exercise, playing with children	
Ms. T. COLES & Mr. K. KEMP	2002 – present	Daily	Football, cricket, teaching children to ride bikes, summer walks	The land is the only open space in the area that young children can play and exercise; the next nearest open space is too far away for younger children.
Mr. and Mrs. COLLINS	2007 – present	Daily	Playing with grandchildren	Observed use by others on a daily basis.
Mr. and Mrs. J. COOK	1963 – present	Daily	Taking children to play, picnics and gathering with friends	
Mr. and Mrs. L. CORETTE	2004 – present	Weekly	Riding bikes, ball games, building snow men	
Ms. W. DRAYTON	1997 – present	Occasionally	Walking animals	Observed use by others on a daily basis for picnics, children playing (mainly ball games) and walking animals. Locality is Four Acres.
Mr. J. FLISHER	1985 – present	Daily	Football, tennis, cricket, picnic	Land is the only safe area for children and families to be and have fun.
Mr. and Mrs. K. GILLARD	1990 – 2010	Daily	Ball games	Only grass area for children to play on and serves the whole of Four Acres.
Ms. N. GOLDING	2010 – present	Weekly	Family picnics, playing with children.	Own children play there on bikes, scooters and with footballs.
Mrs. A. GOODSSELL	1988 – present	Fortnightly	Playing with children	Often see other using the land. Four Acres is a small housing estate isolated from other amenities in the village.
Ms. K. GREGORY	2011 – present	Weekly	Playing with children, dog walking	Land is a safe, flat and clean area which is big enough to play ball games.
Mrs. K. HARCOURT	1970 – present	Daily	Played there as a child and more recently with own children. Family picnics	It is a safe place of children to play and the only place where families can play on the estate.
Ms. R. HARRINGTON	2002 – present	Weekly	Short cut to footpath	Have seen use by children playing football and riding bikes. It is a safe play area for children; the gardens of many houses on Four Acres are small and unsuitable for ball games.

Ms. S. HOUSMAN	1992 – present	Daily	Dog walking, playing with children	Observed use by others on a daily basis for football, rounders, picnics and dog walking.
Mr. R. HUMPHREYS	1995 – present	Daily when children visit	Ball games, cricket, football	See others using the land on most days depending on weather.
Mr. R. HUGHES and Ms. C. KEEGAN	2003 – present	Monthly	Play area for children	Locality is Four Acres estate, East Malling.
Mrs. D. JAMES	1990 – present	Daily	Playing with grandchildren	
Mr. and Mrs. D. KOLLNBERGER	2002 – present	Daily	Dog walking, playing football, snow games, riding bikes, picnics, reading	Resident of Four Acres estate
Ms. T. MAGINNIS	2006 – present	Daily	Safe place for children to play	
Mrs. J. MARTIN	2003 – present	Daily	Not stated	
Ms. C. MASON	2006 – present	Weekly	Games, incl. football, Frisbee etc.	Locality is Four Acres, part of East malling village.
Ms. D. MCCLELLAND	2000 – present	Daily	Dog walking, playing football, bike riding, making camps, playing rounders	
Ms. K. McDEVITT	2011 – present	Weekly	Playing with children, outdoor games	
Mr. B. MCGAWLEY and Mrs. C. SCALES	2003 – present	Weekly/daily	Dog walking, playing with children	Observed daily use by others for recreational purposes.
Mr. D. MILLS	1957 – present	Daily	Football, cricket	The green is the only place for children to play safely.
Ms. J. MORLEY	1993 – ?	Daily	Playing with children	No longer use the land as children have grown up.
Mr. M. NOAKES	2002 – present	Weekly, more often in holidays	Playing with children, incl learning to ride a bike	Locality is Four Acres. No other open area for children in the neighbourhood.
Mr. and Mrs. PAYNE	1990 – ?	Daily	Playing with children, football, cricket, bike riding	No longer use as children have grown up. Land has always been used as a safe play area for children and is the only area available.
Mr. L. PETERS	2006 – present	Occasionally	Playing football and cricket with children	Children and adults play ball games on the land. It is the only playing area locally for the community.
Mrs. J. PHILLIPS	2001 – present	Daily, now monthly or weekly	Ball games, rounders, cricket, football.	Small localised housing estate with only this small area of land for children to play.
Mr. D. ROSIER	2005 – present	Weekly	Ball games, recreational activities, walking	
Mr. M. RUDDY	2004 – present	Several times per week	Play area for kids	Resident of Four Acres. All local kids play in this area.
Ms. A. SHEWARD	2009 – present	Daily	Exercise and dog training	
Mr. T. WARRENER	1966 – present	Occasionally	Played football and cricket as a child, now used for dog walking	Resident of an identifiable locality known as Four Acres
Mrs. C. WEBB	2002 – present	Daily	Dog walking, using it as bridlepath	Locality is Four Acres, East Malling. Land is used every day for recreational purposes.

**APPENDIX D:
Plan showing neighbourhood
of Four Acres**

