

## Application to register land known as the Cricket Field at Marden as a new Village Green

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A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Tuesday 5<sup>th</sup> March 2013.

**Recommendation: I recommend that a Public Inquiry be held into the case to clarify the issues.**

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Local Member: Mrs. P. Stockell

Unrestricted item

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### Introduction

1. The County Council has received an application to register land known as the Cricket Field at Marden as a new Town or Village Green from local resident Mr. T. Simmons ("the applicant"). The application, made on 23<sup>rd</sup> November 2011, was allocated reference number VGA640. 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).
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, as the name suggests, of a cricket field of approximately 3.7 acres (1.5 hectares) in size situated at the junction of Stanley Road and Albion Road in the parish of Marden. The application site excludes the pavilion and its immediate surrounds, the tennis courts and other outbuildings on the site.
7. A plan showing the application site is attached at **Appendix A**.

## **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. The applicant states that the land has been Marden’s cricket ground since the early 20<sup>th</sup> century and has been in continuous use for cricket since the early 1920s. It has subsequently also been used for hockey. The evidence submitted in support of the application (which represents a fraction of total overall usage) shows that since 1991 the land has very much been enjoyed by the community for a range of activities.
10. In support of the application, 30 user evidence questionnaires were submitted detailing the recreational use of the application site, along with a statement of justification and Land Registry documents. A summary of the user evidence questionnaires submitted in support of the application (prepared by the applicant) is attached at **Appendix C**.

## **Consultations**

11. Consultations have been carried out as required.
12. The Marden History Group and the Marden Society (which sent individual but identical letters) wrote in support of the application on the basis that the land has been used as a cricket club since the early 1920s and has also provided a green where children and adults have played and walked ‘as of right’.
13. Marden Parish Council considered the application and although the Council believed that the land had been used by local residents ‘as of right’ (including some members of the Parish Council), it did not have any evidence to support this.
14. The public response to the consultation was mixed: 19 local residents wrote in support of the application and confirmed that the application site had been used for recreational activities, whilst 11 local residents wrote in objection to the application and stated that the land had always been private with notices to that effect.

## **Landowner**

15. Throughout the relevant period, the application site has been owned by Mr. R. Day and leased to the Marden Hockey and Cricket Club (“the objectors”).

16. The Club began to occupy the application site in 1962 and has gradually expanded and developed the facilities since that time. In 1962, there were two field gates on Albion Road forming entrances onto the application site, one of which had a notice stating 'private ground', and two stiles were later provided for the convenience of the players and spectators. The existing clubhouse was built in 1963 and has a notice on the exterior wall stating 'Private Ground'; the notice has been replaced on several occasions since that time but has always had the same wording. The clubhouse was extended in the late 1970s, at which time the existing Stanley Road gateway was created with the provision of a heavy metal gate. Following that, in the early 1980s, a substantial fence (two metres high and topped with barbed wire) was erected along the Stanley Road boundary of the application site. In 1997, the gate at the Stanley Road entrance was replaced by a metal barrier and the stile along the Stanley Road Boundary was removed.
17. An objection to the application has been received from Bircham Dyson Bell LLP, solicitors acting on behalf of the landowner and the Club. The objection is made on the following grounds:
- That the evidence of use of the application site reveals only trivial and sporadic recreational use;
  - That use of the application site has been by right and no 'as of right' because many people will have been members or guests of the club and a significant number of the recreational activities alleged to have taken place are the same as those undertaken by the club;
  - That the applicant has not sufficiently defined the relevant locality or demonstrated that a significant number of the residents of the locality have used the application site for recreational activities;
  - That the land has been fenced and access to it regulated by stiles and gateways which have been locked when not in use with private notices visible; and
  - That there is evidence that informal recreational users were challenged.

### Legal tests

18. 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 is continuing up until the date of application or within two years from when use 'as of right' ceased?*
  - (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'?***

19. The definition of the phrase 'as of right' has been considered by the House of Lords. Following the judgement in the *Sunningwell*<sup>1</sup> case, it is considered that if a person uses the land for a required period of time without force, secrecy or

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

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.

20. In this case, there is no evidence that use has taken place in secrecy or in exercise of any physical force (e.g. breaking down barriers to gain entry). The landowner refers to various entrances, some of which have been closed or fenced off over the years, but it is not apparent that the application site has ever been fully secured in its entirety so as to prevent any access by the public.
21. The landowner’s case is that there has always been a sign on the clubhouse indicating that the application site is a private ground and that any use of the application site has been in defiance of this notice. However, the evidence of the users is that they have never seen any prohibitive notices, with the exception of one user who recalls a private notice but does not provide further details (e.g. of dates or location etc.). It is not clear whether the notice on the clubhouse has been in place throughout the relevant period, nor whether it would have been sufficiently clear to come to the attention of those users who gained entry to the application site from other access points.
22. The landowner also cites an example of a dog walker apparently being challenged, but it is not clear what the circumstances of this incident were, where it took place and whether the challenge related specifically to dog walking or some other undesired behaviour.
23. There is also an issue, which is not addressed by the parties, as to whether any of the recreational use relied upon was by virtue of an implied permission. If, for example, members of the club were using the application site for informal recreation, then the landowner would have no reason to challenge such use as such use might have the outward appearance of an extension of club membership rather than the assertion of a public right to recreate on the application site.
24. Similarly, much of the user evidence refers to the use of the application site for cricket. Before determining whether such use has taken place ‘as of right’, it will be necessary to establish whether such use has been in connection with the club (in which case it will be by virtue of an implied permission) or whether it has taken place entirely independently of the club’s activities.
25. It is not possible, for these reasons, to distinguish on the basis of the evidence currently available whether use has taken place ‘as of right’ or by virtue of an implied permission. Further and more detailed examination of the evidence of use is required to establish the precise nature of the use and whether it has, as a matter of fact, taken place ‘as of right’.

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

26. 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 activities<sup>2</sup>.

27. 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*'<sup>3</sup>.
28. In this case, the evidence suggests that the land has been used for a range of recreational activities, including dog walking, jogging, playing with children and ball games. The summary of the user evidence questionnaires from local residents at **Appendix C** shows the full range of activities claimed to have taken place.
29. The evidence suggests that the application site has been a popular place for children's play and nearly all of the witnesses refer to observing recreational activities taking place on the application site on a regular basis.
30. However, the issue discussed above in relation to the exercise of distinguishing between formal and informal cricket use applies equally to this test. Furthermore, it is not clear whether tennis activities referred to in the user evidence relate to the application site itself or the tennis courts adjacent to it. As such, the evidence requires further examination to determine whether the activities cited constitute qualifying use for the purposes of Village Green registration.

***(c) Whether use has been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality?***

31. 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.
32. 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. In the *Cheltenham Builders*<sup>4</sup> 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*'.
33. 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*

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<sup>2</sup> *R v. Oxfordshire County Council and another, ex parte Sunningwell Parish Council* [1999] 3 All ER 385

<sup>3</sup> *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

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

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

34. In this case, at part 6 of the application form, the applicant describes the locality as being 'within the boundaries of Stanley Road TN12 9EL, Albion Road TN12 9EB'.
35. One of the objections raised by the landowner is that this does not constitute a qualifying locality or neighbourhood for the purposes of Village Green registration. It is correct that the description given by the applicant does not constitute a legally recognised administrative unit but, despite the applicant not having fully grasped the legal concept of locality in relation to Village Green registration, that is not to say that there does not exist a qualifying locality or neighbourhood within a locality.
36. A parish is a legally recognised administrative unit that would constitute a qualifying locality and, as such, there is no reason why the parish of Marden would not suffice for this purpose.

*"a significant number"*

37. 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'<sup>6</sup>. 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.*
38. Although the landowner's position is that any informal recreational use of the application site has taken place on a trivial or sporadic basis, the user evidence submitted in support of the application, on the face of it, indicates that the application site has been in regular use by the community. Many of the users refer to using the application site on a daily or weekly basis, and nearly all refer to observing use of the application site by others for the purposes of informal recreation on a regular basis.
39. There is a need, as is noted above, to distinguish between use that is related to the club and use that is entirely independent of it. Until that exercise is undertaken, and irrelevant use discounted, it is difficult to conclude with any degree of certainty whether the application site has been used by a significant number of the residents of the locality.

***(d) Whether use of the land by the inhabitants is continuing up until the date of application or within two years from when use 'as of right' ceased?***

40. The Commons Act 2006 requires use of the land to have taken place 'as of right' either up until the date of application or, if such use has ceased prior to the making

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

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

of the application, that the application be made within two years of recreational use ceasing to be 'as of right'.

41. In this case, aside from the issue of whether notices have been in place on the clubhouse, there is no evidence of any recent overt challenge to the use of the application site for the purposes of lawful sports and pastimes by the local community. Therefore, it can be concluded that the use of the application site has continued up to, and in this case beyond, the date of the application.

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

42. 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. 1991 to 2011.

43. The user evidence summarised at **Appendix C** suggests that there has been use of the application site in excess of the last twenty years.

**Conclusion**

44. Although the relevant Regulations<sup>7</sup> 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 Registration Authorities to conduct a Public Inquiry. This involves appointing an independent Inspector to hear the relevant evidence and report his/her findings back to the Registration Authority.

45. Such an approach has received positive approval by the Courts, most notably in the Whitmey<sup>8</sup> 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'*.

46. It is important to remember, as was famously quoted by the Judge in another High Court case<sup>9</sup>, 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

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<sup>7</sup> Commons Registration (England) Regulations 2008

<sup>8</sup> *R (Whitmey) v Commons Commissioners* [2004] EWCA Civ 951 at paragraph 66

<sup>9</sup> *R v Suffolk County Council, ex parte Steed* [1997] 1EGLR 131 at 134

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.

47. In this case, the evidence provided by the parties (both in support of an objection to the application) is insufficient to determine whether the legal tests have been met. The applicant has made a case for registration of the land and the evidence in support is not so lacking that the application should be rejected outright. However, the landowner has raised various issues relating to whether use has taken place 'as of right' which need to be considered in further detail. There are also issues, discussed above, which neither party has addressed and that require clarification before the County Council is able to take a final decision in respect of this matter.

48. As such, it is considered that the most appropriate way forward would be to hold a Public Inquiry into this matter. This would allow witnesses to give more detailed evidence that could be subject to relevant questions from the Inspector. This would provide a greater clarity to the user evidence than is currently available in paper form and enable the Registration Authority to come to a more informed decision in relation to whether or not the application site is capable of registration as a Village Green

### **Recommendations**

49. I recommend that a Public Inquiry be held into the case to clarify the issues.

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| Accountable Officer:<br>Mr. Mike Overbeke – Tel: 01622 221513 or Email: melanie.mcneir@kent.gov.uk<br>Case Officer:<br>Miss. Melanie McNeir – Tel: 01622 221511 or Email: melanie.mcneir@kent.gov.uk |
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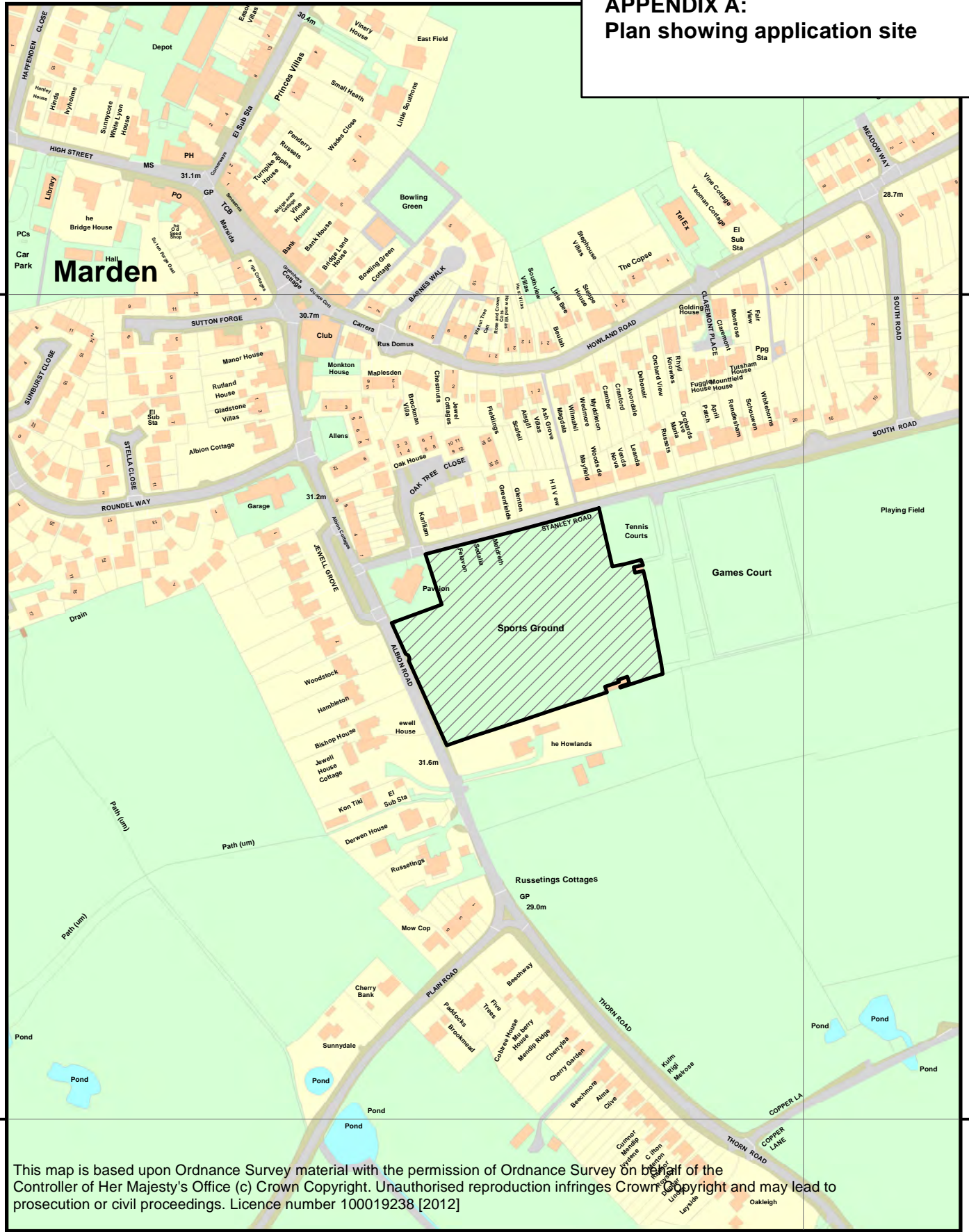
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| The main file is available for viewing on request at the PROW and Access Service, Invicta House, County Hall, Maidstone. Please contact the case officer for further details. |
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### **Background documents**

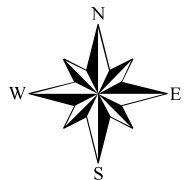
APPENDIX A – Plan showing application site  
APPENDIX B – Copy of application form  
APPENDIX C – Summary of user evidence



**APPENDIX A:  
Plan showing application site**

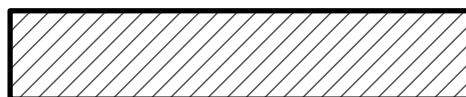


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Scale 1:2500

**Land subject to Village Green application  
known as the Cricket Field at Marden**



Commons Act 2006: section 15

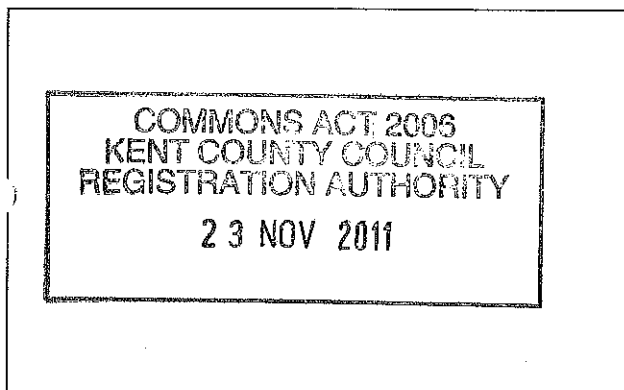
Application for the registration of land  
as a new Town or Village Green

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:

VGA640

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

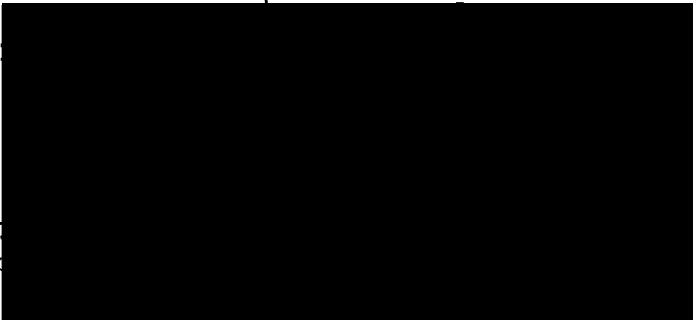
**Note 2**

If there is more than one applicant, list all names. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or unincorporate. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email. If part 3 is not completed all correspondence and notices will be sent to the first named applicant.

**2. Name and address of the applicant**

Name: **TREVOR R. SIMMONS**

Full postal address (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:

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

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

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:

**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**

H.M. LAND REGISTRY FIELD PLAN OF TITLE N<sup>o</sup> K134956

Name by which usually known:

MARDEN CRICKET FIELD

Location: EAST OF ALBION ROAD } MARDEN  
SOUTH OF STANLEY ROAD } KENT

Common Land register unit number (only if the land is already registered Common Land):

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

**Note 6**

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

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

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

WITHIN THE BOUNDARIES OF  
STANLEY ROAD TN12 9EL  
ALBION ROAD TN12 9EB

Please tick here if a map is attached (at a scale of 1:10,000):

## 7 Justification for application to register the land as a town or village green.

The land that is the subject of the Village Green application is outlined in red on the accompanying map Exhibit 'A'

This area has been Marden's cricket ground since the early 20th century. It has been in continuous formal use for cricket since the early 1920s and subsequently for Hockey.

During this period of almost 100 years, the cricket ground has been used 'as of right' by significant numbers of both adults and children indulging in any number of individual or general village lawful sports and pastimes including Rounders, Painting, Dog Walking, Team Games, Picking Blackberries, Football, Cricket, Bird Watching, Kite Flying, Walking, Bicycle Riding; in the snows of winter 2010/11, a full size igloo and accompanying snowmen were built on the outfield.

The attached 31 Questionnaires demonstrate that since 1991 the cricket ground has very much been enjoyed by the community for a range of activities; these represent a fraction of the overall usage as on any day of the year, someone will be enjoying this wonderful open space in the centre of our village, and on a summers evening the area is a hive of activity.

Sadly the status quo has now been upset.

An application has been submitted to Maidstone Borough Council (MA/11/0361) for a large site outside the village to be granted permission for development as a new cricket and Hockey club.

This in itself is not a problem but, as the planning statement accompanying MA/11/0361 makes abundantly clear, the proposed source of funding for this development wholly relies on the sale of the existing cricket ground for housing

A private club, few of whose members actually come from

Marden, situated outside the village, can never fully replace the current cricket ground situated at the heart of the community. The security required to protect the new 'out of town' site, and the protracted pedestrian access routes will, by their very nature, exclude the majority of the community from informal recreational activity and could represent a significant safety risk to children walking there unsupervised.

Maidstone Borough Council has already identified four other sites within the village to accommodate significant future village housing requirements. These sites are far less intrusive and disruptive to established village life than the development of the current cricket ground and would leave a major part of Marden's heritage undisturbed for the enjoyment of generations to come.

Registration of the cricket ground as a village green is considered the only option in order to protect this open space for the village community in perpetuity.

**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**

~~TO~~ SUPPRESS ANY FUTURE REDEVELOPMENT

MY EARLIER APPLICATION IN JUNE 2011, WRONGLY SUBMITTED ON FORM 44, DID SHOW THIS SITE TO BE IN USE 'AS OF RIGHT' GOING BACK TO 1936 AS A ESTABLISHED RECREATIONAL FIELD.

FULL STATEMENT ATTACHED

**Note 8**

Use a separate sheet if necessary. This information is not needed if a landowner is applying to register the land as a green under section 15(8).

**8. Name and address of every person whom the applicant believes to be an owner, lessee, proprietor of any "relevant charge", tenant or occupier of any part of the land claimed to be a town or village green**

MR ROGER DAY  
DOURNE FARM,  
MARDEN THORN,  
STAPLEHURST,  
KENT,  
TN12 9LT.

**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**

- 1/ ~~A~~ LAND REGISTRY FILED PLAN OF TITLE NUMBER K134956
- 2/ OFFICIAL COPY OF REGISTER OF TITLE
- 3/ MAP OF PROPOSED VILLAGE GREEN SITE MARKED IN RED 1:2500 EXHIBIT MARKED 'A'
- 4/ FULL STATEMENT SUPPORTING NOTE 7
- 5/ 31 EVIDENCE QUESTIONNAIRES.
- 6/ STATUTORY DECLARATION IN SUPPORT.

**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**

— THE SPORTS GROUND MARKED IN RED, "A" WILL BE PUT UP FOR REDEVELOPMENT TO FUND THE SUBMITTED APPLICATION MA/11/0361 WITH MAIDSTONE BOROUGH COUNCIL



**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: June 24<sup>TH</sup> 2011**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:**

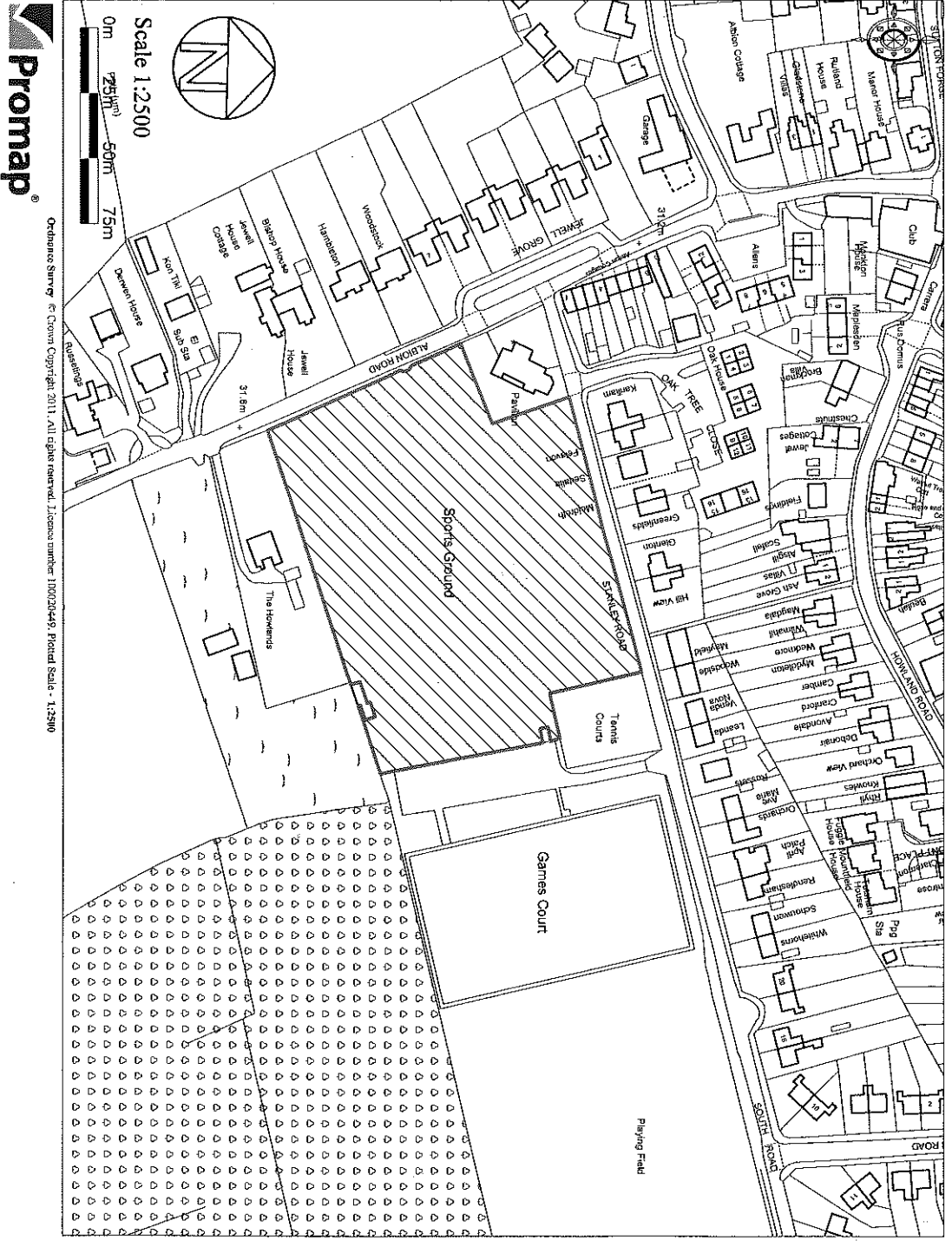
**The Commons Registration Team  
Kent County Council  
Countryside Access Service  
Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX**

***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.*

EXHIBIT  
"A"



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| Name                       | Period of use  | Frequency of use      | Type of use   | Comments   |
|----------------------------|----------------|-----------------------|---|--|
| Ms. R. BENNETT             | 2007 – present | 2 or 3 times per week | Dog walking, running, walking   | Access via the main gates. Observed use by others on a daily basis for activities including dog walking, running, kite flying, ball games, picnics and cycling.  |
| Mr. and Mrs. P. BIRD       | 1943 – present | Mostly daily          | Playing as a child, children's games, football, cricket, tennis, dog walking. | Access through gates on Albion Road (as a child), more recently also over stile in Stanley Road and gates/stile next to tennis courts. Observed use by others on a daily basis for a range of recreational activities. |
| Mr. and Mrs. P. BOARDMAN   | 2010 – present | Weekly                | Socialising, watching cricket, dog walking                                    | Access by side of pavilion or through side gate. Observed use by others on a daily basis.  |
| S. BOWDEN                  | 1997 – present | Daily                 | Dog walking   | Access via gateway. Observed use by children on a daily basis.   |
| Mr. N. BOWDEN              | 2010 – present | Weekly                | Walking, jogging  | Access through gates on Stanley Road. Saw 'private' sign on clubhouse (no date stated). Observed use by others on a daily basis for various sports and children playing/cycling.                                       |
| Mr. P. BUTCHERS            | 1958 – present | Occasionally          | Sports  | Access via stile and gateways. Observed use by others for football, cricket and dog walking on a weekly basis.   |
| Mrs. E. BUTCHERS           | 1997 – present | Occasionally          | Walking, ball games   | Access via gateway. Observed use by others for football snow play and picnics on a weekly basis.   |
| Mr. and Mrs. I. CARRUTHERS | 1960 – present | Daily                 | Dog walking/training, playing and watching hockey, cricket, jogging           | Access via stile or gate. Saw a sign on the land banning fly tipping. Observed use by others on a daily basis of a range of activities.  |
| Mr. R. CASS                | 2003 – present | Weekly                | Football, cricket   | Access via club gate. Observed use by others for kite flying, rounders and picnics.  |
| Mr. B. CLAYTON             | 1996 – present | Occasionally          | Walking, watching sports  | Access via Stanley Road. Observed use by others on a daily basis for walking and sports. A footpath is shown on Ordnance Survey maps running along Stanley Road.   |
| Mrs. M. CLAYTON            | 1996 – present | Weekly                | Walking, watching cricket   | Access via Albion Road or Stanley Road.  |
| P. FINCH                   | 2005 – present | Occasionally          | Not stated  | Access through gate on Stanley Road.   |
| M. LANE                    | 1954 – present | Not stated            | Played there as a child, now take grandchildren there to play                 | Access through gate or stile. Observed children playing on many occasions.   |
| Mr. and Mrs. D. LEAPER     | 1996 – present | Weekly                | Cricket, tennis, football   | Access by main gate entrance or through gate on Albion Road. Observed use by others on a daily basis.  |

**APPENDIX C: Summary of user evidence**

|                   |                |                                     |   |   |
|-------------------|----------------|-------------------------------------|---|---|
| Mr. P. LERWILL    | 1987 – present | Weekly                              | Football, cricket, rugby, kite flying, hockey, cycling, badminton, tennis, watching matches, running, playing with children, blackberrying, picnics | Access via three main gates/entrances and by using the stile and footpath. Own children still use the site on a daily basis. Observed use by others for various activities, incl. running, ball games and kite flying, on a daily basis.  |
| Mr. J. McARRAGHER | 1980 – present | Weekly                              | Watching cricket and hockey, playing with children  | Access over or through gate on Albion Road.   |
| NEWTON family     | 1965 – present | Daily                               | Dog walking, children playing   | Access via stiles. Gradually over the years groundsmen consider it is a private ground but there are no notices to that effect. Gates are chained but a stile has been provided for access. Several access stiles have been fenced over the years. Observed use by others mainly in the summer. |
| Mr. S. NYE        | 1959 - ?       | Daily as a child, less as an adult  | Cricket, football, kite flying, archery, watching cricket and hockey.   | Access via one of three gateways onto the land. Observed use by others on a daily basis.  |
| Mr. B. RAYNOR     | 1980 – present | Not stated                          | Mainly football   | Access via gate. Observed use by others on a weekly basis.  |
| Mrs. B. REGAN     | 1992 – ?       | weekly                              | Picnics, ball games   | No longer use as children have grown up. Access via cricket club.   |
| Mrs. S. RUSSELL   | 1990 – present | Occasionally                        | Cricket matches, use of clubhouse for functions, watching hockey matches.   | Access via entrance at clubhouse. Observed use by others for football and dog walking on a daily basis.   |
| ROBERTSON/RANDELL | 2003 – present | Monthly                             | Bird watching, nature watching, relaxation  | Access through gate. Observed use by others on a daily basis without fail for a range of activities, including sports, running, walking, children playing, general recreation.  |
| Ms. M. SHARP      | 1977 – present | Weekly                              | Football, rounders, snow play   | Access via club gate. Observed use by others on a daily basis for football, dog walking and cricket.  |
| Mr. T. SIMMONS    | 1949 – present | Weekly until 1996, now occasionally | Rounders, football, cricket, cycling, snow play   | Access via opening in fence, stile or under vehicle barrier bar. Observed use by others on a daily basis.   |
| Ms. S. SMYTH      | 2001 – present | Weekly                              | Tennis, walking, football, cricket, socialising, nature observation, picnics, children's games, snow play and relaxation                            | Access via cricket club or tennis courts. Observed use by others on a daily basis.  |
| Mr. A. TREE       | 1987 – present | Monthly                             | Cricket and football  | Access via gate next to cricket pavilion. Use less frequent outside of cricket season. Observed use by others on a daily basis for dog walking, cricket and hockey.   |
| Mr. C. WEBB       | 2007 –         | Weekly/                             | General recreation, walking   | Access via main gate. Observed use by others on a   |

|                 |                |                                      |   |  |
|-----------------|----------------|--------------------------------------|---|--|
|                 | present        | monthly                              |   | daily basis for general sports and recreation, dog walking and family activities.  |
| Mr. K. WICKHAM  | 1947 – 2005    | Daily as a child, weekly as an adult | Football, cricket, tennis, rounders, playing with children, dog walking, running.                               | Access via main gate on Albion Road. Observed use by others on a weekly or daily basis.  |
| Mr. P. WILLIAMS | 1970 – present | Weekly                               | Cycling and teaching children to ride a bike, walking, football, cricket, snow play, radio cars, general sports | Wife is member of tennis club. Access via open gate (previously no gate). Observed use by others on a daily basis for various activities.  |
| Mr. S. WILLIAMS | 2001 – present | Weekly                               | Walking   | Access via gates and other entrances. Observed use by others on a daily basis for walking, cricket, hockey, tennis and dog walking. Permission sought to use the land as a member of the club. |