

Application to register land known as Rammell Field at Cranbrook as a new Town or Village Green

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

Recommendation: I recommend that the applicant be informed that the application to register land known as Rammell Field in the parish of Cranbrook as a new Town or Village Green has not been accepted.

Local Member: Mr. R. Manning

Unrestricted item

Introduction

1. The County Council has received an application to register land known as Glebe Field at Cranbrook as a new Town or Village Green from local resident Mr. J. Davis ("the applicant"). The application, made on 24th March 2011, was allocated the application number VGA634. 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
5. As a standard procedure set out in the 2008 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 is known locally as Rammell Field or the War Memorial Field but, for the purposes of this report, it is referred to only as “the application site”.
7. The application site consists of fenced sports field of approximately 4.2 acres (1.7 hectares) in size situated at the junction of Frythe Way and Bakers Cross in the village of Cranbrook. The application site is shown in more detail on the plan at **Appendix A**.
8. Formal access to the application site is via a pedestrian gate at the junction of Frythe Way and Bakers Cross, or via a field gate situated along the Bakers Cross boundary. Additionally, there is also evidence that the application site has been accessed via gates from the gardens of abutting properties in Dorothy Avenue and Frythe Close.

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. The applicant’s case is that the application site has been used as an area of recreation since 1766 and was later purchased by subscription as a memorial to those from Cranbrook School who died in the First World War. Since that date, it has been used by the local community for a variety of sports and recreational activities.
11. Included in support of the application were 69 user evidence questionnaires, a letter to the Headmistress of Cranbrook School, an extract from a 1919 issue of the school magazine, various photographs showing events on the field (covering the period 1920 to 2010) and an extract from the Tunbridge Wells Local Plan which designates the application site as an ‘Area of Important Open Space’. A summary of the user evidence questionnaires submitted in support of the application is attached at **Appendix C**.
12. Shortly after the application was made, and prior to the formal consultation, the County Council also received a copy of a petition from a group of local residents known as the ‘Save Rammell Field – The War Memorial Group’. The petition, containing over 1000 signatures, was addressed to various organisations and individuals, and submitted *‘in aid of our protest against the building of houses on Rammell Field in Cranbrook, Kent’*.
13. Whilst the petition demonstrates the wealth of local opposition in relation to any development of Rammell Field (but note that the County Council is not aware of any such proposed development), it does not add anything to the evidence of use already submitted in support of the application and thus is of little assistance in determining whether the legal tests set out in section 15 of the Commons Act 2006 have been met. It is important to stress that the County Council is strictly bound by those legal tests and is not able to take into any account other factors (including any perceived threat of development) in determining the Village Green application.

Consultations

14. Consultations have been carried out as required.
15. Tunbridge Wells Borough Council provided the following response: *‘from the information available to the Local Planning Authority, it is not possible for them to confirm 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’.*
16. The Cranbrook and Sissinghurst Parish Council wrote to confirm its support for the application.
17. In addition, the County Council received 27 letters of support from local residents.

Landowner

18. The application site is owned by the trustees of Cranbrook School (“the landowner”) and is registered with the Land Registry under title number K917868.
19. The landowner confirms that the field was acquired in 1922 using funds raised by an Association known as ‘The Old Cranbrookians Association’ to provide a memorial for those who had attended the school and who fell in the First World War. The Governors of Cranbrook School agreed to take the conveyance of the field and trust was formed enabling the trustees to exercise full powers of management of the field (amongst other things). The land has, since that time, remained under the ownership of the trustees of Cranbrook School.
20. An objection to the application was received from Buss Murton Law LLP, acting on behalf of the landowner. The objection has been made on the following grounds:
- That the use of the field has not been ‘as of right’ for a continuous period of 20 years prior to the date of the application;
 - That use of the field by the public was with permission of the Objectors or if not then by force; and
 - That the applicant has failed to put forward or prove ‘a locality’ or ‘neighbourhood within a locality’ in respect of which the application is made.
21. In support of the objection, the landowner has provided various copies of documents including a letter from the former School Bursar (dated 2011), a letter from the landowner’s planning consultant to Tunbridge Wells Borough Council (dated 1999), letters sent to adjoining landowners (dated 1999 and 2005) as well as copies of letter and invoices relating to the hire of the application site for various formal events (e.g. fun days, circuses etc).

Legal tests

22. 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 ceased no more than two years prior to the application?*
- (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'?*

23. The statutory scheme in relation to Village Green applications is based upon the English law of prescription, whereby certain rights can be acquired on the basis of a presumed dedication by the landowner. This presumption of dedication arises primarily as a result of acquiescence (i.e. inaction by the landowner) and, as such, long use by the public is merely evidence from which a dedication can be inferred.
24. In order to infer a dedication, use must have been 'as of right'. This means that use must have taken place without force, without secrecy and without permission (*'nec vi, nec clam, nec precario'*). In this context, force refers not only to physical force, but to any use which is contentious or exercised under protest¹: *"if, then, the inhabitants' use of the land is to give rise to the possibility of an application being made for registration of a village green, it must have been peaceable and non-contentious"*².
25. The test for determining whether use has been contentious is to ask whether the owner of the land has taken reasonable steps to bring to the attention of the users his objection to the use of the land³. The law does not require the landowner to have taken every possible step; he need only have taken reasonable steps that are commensurate to the scale of the problem facing him⁴.
26. The applicant's case is that the rights of the local residents to use the application site had never been challenged until recently when signs appeared and the gates were locked. Prior to this time, the application site had been openly accessed by the community for countless decades.
27. The landowner's case, however, is that there have been various challenges made to the informal recreational use of the application site by local residents. These are considered in more detail below.

Use of the land for organised events

28. There is evidence of use of the application site for a number of organised events, including fetes, funfairs, boot fairs and circuses. Indeed, of the 69 witnesses, 23 have used the application site purely for attending formal organised events. The holding of formal organised events raises two significant issues in this regard.
29. Firstly, use that is associated with formal events will generally be by virtue of an implied permission. In this case, the landowner has provided evidence of formal permission granted for events. These events include an annual family fun day, a

¹ *Dalton v Angus* (1881) 6 App Cas 740 (HL)

² *R (Lewis) v Redcar and Cleveland Borough Council* [2010] UKSC 11 at paragraph 92 per Lord Rodger

³ *Smith v Brudenell-Bruce* [2002] P&CR 51

⁴ *Taylor v Betterment Properties Ltd and Dorset County Council* [2012] EWCA Civ 250

funfair and regular weekend bookings by Cranbrook Rugby Football Club. Examples of invoices relating to these events are attached at **Appendix D**.

30. The events cited are held with the landowner's permission and, hence, people entering the land to attend those events are doing so by invitation of the landowner (i.e. as an extension of that permission). However, in order for use to be 'as of right', people must be entering the land as trespassers. This is clearly not the case where the landowner has granted specific permission for an event to take place on his land. As such, use that is in relation to formal events is not 'as of right' and must be disregarded for the purposes of the Village Green application.
31. Secondly, where land has been used for organised events (to the exclusion of other informal recreational uses) this may give rise to an implied permission by the landowner. The issue was recently considered by the Courts in the Mann⁵ case, which concerned an area of grassland, part of which was used 'occasionally' for the holding of a beer festival and fun fair. During these times, an entrance fee was charged to enter the affected part of the land, although public access to the remainder was not denied.
32. The judge considered that the previous case of Beresford⁶ as authority for the proposition that a landowner must make it clear that the public's use of the land is with his permission and that may be shown by excluding the public on occasional days; such conduct need only occur occasionally and perhaps even only once during the relevant period. The Court found that⁷ *'the critical point was that the owner had unequivocally exercised his right to exclude and did not have to do more than [he] did to bring it home to the reasonable local inhabitant that this right was being exercised and that the use by the local inhabitants was pursuant to permission'*. Thus, it was held that occasional exclusion from part of the land was sufficient to communicate to users that their use of the whole land at other times was with the landowner's implied permission.
33. As is noted above, the land in this case has been used for organised events to the exclusion of those using the application site for informal recreation. As such, the implication is that use of the application site for the purposes of informal recreation is by virtue of an implied licence and not 'as of right'

Gates and notices

34. Access to the application site is via two gates (one vehicular and one pedestrian) in the otherwise fenced boundary. There is some dispute in the evidence as to whether these gates have been locked at any point during the relevant period (the relevant period being 1991 to 2011).
35. The applicant's case is that the gates had never been locked prior to 2011 and the application site had been open for respected access by the community for countless decades prior to that time. This appears to be supported by the user evidence questionnaires, none of which refer to any restriction on access to the application site.

⁵ *R (Mann) v Somerset County Council* [2012] EWHC B14 (Admin)

⁶ *R v City of Sunderland ex parte Beresford* [2003] UKHL 60

⁷ at paragraph 77 per Judge Owen QC

36. The landowner's position, on the other hand, is that the gates have been locked during the relevant period. In particular, the pedestrian gate has been locked during school holidays, which would have prevented access on to the application site. This assertion is supported by a letter (copy at **Appendix E**) from the former Bursar (employed by the landowner between 1989 and 2001) who states that he made regular checks to ensure that the gates were being secured and that the gates were renewed and locked during this time.
37. There is also a dispute regarding notices on the application site. At the time of the Officer's last visit to the site, there was a notice on the pedestrian gate which read "Private Property Cranbrook School No Dogs Allowed" and a separate notice on the vehicular gate reading "Private Property Cranbrook School No Unauthorised Entry". The landowner's case is that the gates have always had signs on them but they have been replaced on numerous occasions and the wording of the signs has varied over the years.
38. The photographic evidence supplied by the applicant in the form of an extract from Google's 'streetview' service (dated March 2009) confirms that an identical notice was in place on the pedestrian gate (but not on the vehicular gate) during the latter part of the relevant period. The image also shows what appears to be a chain on the vehicular gate (suggesting that it was locked), although it is not possible to discern from the image whether the pedestrian gate was also locked.
39. The measures taken by the landowner to resist recreational use of the application site by local inhabitants are documented in a letter dated 1st November 1999 from the landowner to Tunbridge Wells Borough Council's Planning Services team. A full copy of this letter is attached at **Appendix F**. The letter records that:
- "So far as use of the site as a recreational area on a day to day basis is concerned the School is not aware of any regular use by the community. The exercising of dogs has always been challenged on all the School playing fields without exception because of the health risks. The use by local residents, with back garden gates, of the field as a short cut to the town has been tolerated albeit reminding them that they have no rights of access.*
- The School policy has been to lock all gates during the holidays between terms and "Private Property, Cranbrook School. No unauthorised entry" signs have been on both gates for many years. "No entry for dogs" signs are also displayed on each gate. Perimeter fencing and hedges are routinely repaired to restrict unauthorised access. Letters were sent to all property owners with garden gates giving access to the field in 1988 and again in August 1999 reminding them that they did not have any right of access"*
40. Overall, the evidence suggests that attempts were made to challenge informal recreational use of the application site during the relevant period. The 1999 letter provides contemporaneous evidence that the gates were locked during school holidays at that time and that notices were in place on the gates. The 2009 Google photograph shows conclusively that there was a notice in place at the pedestrian gate at that time and also appears to show a chain on the vehicular access gate.

Other challenges to use

41. As mentioned in the above extract, and in addition to the other measures taken, the landowner's case is that use of the application site from neighbouring properties was expressly challenged by way of letters dated 30th July 1999 and 17th January 2005 delivered by hand to residents whose properties abut the application site. Copies of these letters are attached at **Appendix G**.
42. The 1999 letter states that neighbouring properties have no rights of access to or passage across the application site and makes clear that "*the field is private property and I would ask for your co-operation in respecting it as such. The School solicitors have been asked to advise on any further action that should be taken to properly secure the field*". The 2005 letter is similar in content, but seeks removal of any access gates in the boundary between the properties and the application site.
43. Both letters convey a clear message that the landowner was seeking to resist any use of the application site from neighbouring properties. As such, use of the application site by way of access via garden gates will be contentious and will not be 'as of right'.

Conclusion on 'as of right'

44. As stated above, the law of prescription relies upon acquiescence on behalf of the landowner. This is not case where there has been inaction on behalf of the landowner: steps have been taken at various points during the material period to challenge informal recreational use. As such, there is evidence to suggest that use of the application site has been contentious, against the landowner's wishes, and therefore not 'as of right'.
45. Equally, the evidence of specific permissions granted for certain events during the relevant period, to the exclusion of informal recreational users, indicates (in accordance with the recent case law) that such recreational use by local residents as did take place outside of the organised events was by virtue of an implied permission by the landowner.
46. Given the well documented instances of permission being granted and challenges being made to use it is not possible, despite the applicant's assertions to the contrary, to conclude that use of the application site has been 'as of right'. If anything, the contemporaneous evidence provided by the landowner strongly indicates that any informal recreational use has either been contentious or by virtue of an implied permission.

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

47. Lawful sports and pastimes can be commonplace activities including dog walking, children playing, picnicking and kite-flying. 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*'⁸.

48. The summary of evidence of use by local residents at **Appendix C** shows the activities claimed to have taken place on the application site. A number of evidence questionnaires (13 in total) do not refer to any actual use of the application site (i.e. the relevant questions have been left blank on the forms) and as such that evidence is of no assistance in determining the application.
49. Two of the witnesses refer to use of the application site as a short cut to Dorothy Avenue. Use of the application site as a short cut would constitute a 'rights of way type use' (as it would have the outward appearance of the assertion of a linear right of way rather than a general right to recreate) and as such it would not be qualifying use for the purposes of the Village Green application⁹. Dog walking would have been in defiance of the notices erected at the access points and would, for the reasons noted above, would not be qualifying 'as of right' use.
50. Discounting the evidence of use that relates only to attendance at fetes, funfairs and other organised events (for the reasons set out above), and also the rights of way use, dog walking use and incomplete evidence (as noted in the preceding paragraph), 27 witnesses have used the application site for informal recreational purposes not associated with organised events. These activities include watching rugby, bird watching, kite flying and playing with children.
51. Of these 27 witnesses, the vast majority used the application site only on an occasional basis. Of the 11 regular users (i.e. at least monthly), seven accessed the application site using a garden gate to the rear of their properties. For the reasons noted above, access to the site by this means would have been contentious given the landowner's requests not to do so. Such use would not be 'as of right' and thus is not qualifying use for the purposes of the Village Green application.
52. On closer examination of the evidence, therefore, it would appear that of the 69 user evidence questionnaires submitted in support of the application, only four witnesses used the application site in a qualifying manner on a regular basis with a further 16 witnesses using the application site in a qualifying manner on an occasional basis.
53. From this, it is possible to conclude that there has been some use of the application site for lawful sports and pastimes during the relevant twenty year period, although there is a question of sufficiency of use which falls to be considered in the next section of this report.

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

54. 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.

⁸ *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

⁹ *R (Laing Homes) v Buckinghamshire County Council* [2003] 3 EGLR 70

55. 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*¹⁰ 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’*.

56. In this case, the applicant has specified the locality as being ‘The Hill, Cranbrook, jct Frythe Way – The Hill, Cranbrook, parish of Cranbrook and Sissinghurst’. This appears to be more of a description of the location of the land rather than a proper specification of the locality on which the application is based in the context of the legal framework.

57. Although the first part of the applicant’s description would not meet the legal tests, the parish of Cranbrook and Sissinghurst is a legally recognised administrative unit and thus would constitute a qualifying locality. The plan at **Appendix H**, showing where the users reside, demonstrates that all of the witnesses live within this locality.

“a significant number”

58. 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’*¹¹. 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.

59. On the face of it, user evidence questionnaires from 69 witnesses would suggest that the application site has been used by a significant number of the residents of the locality. However, when analysed in more detail, the evidence of use is limited and indicates that there have only been four qualifying regular users of the application site (in addition to the 16 occasional users).

60. In that context, it is not possible to conclude on the basis of the evidence submitted in support of the application that the land has been in general ‘as of right’ use by the local community for the purposes of informal recreational activities.

(d) Whether use of the land ‘as of right’ by the inhabitants has continued up until the date of application or ceased no more than two years prior to the application?

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

¹⁰ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

¹¹ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

62. The application is made on the basis of section 15(2) of the Commons Act 2006 – i.e. that use of the application site has continued ‘as of right’ until the date of the application.
63. However, for the reasons noted above, it would appear that there is convincing evidence to show that use of the application site has not taken place ‘as of right’ during the relevant period. It is not clear from the evidence when use ceased to be ‘as of right’ (i.e. when gates were first locked and notices first appeared) or indeed whether use has ever taken place ‘as of right’ on the application site.

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

64. 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, the application is made on the basis that use ‘as of right’ did not cease prior to the making of the application in 2011 and, as such, the relevant twenty-year period (“the material period”) is calculated retrospectively from this date, i.e. 1991 to 2011.
65. Although the application site has been used for formal community events (which have been the subject of various consents from the landowner), it is less clear that it has been used for informal recreation in the manner required by the legislation so as to be capable of registration as a Village Green. Once broken down, the qualifying evidence of informal recreational use is limited.
66. Furthermore, the use of the application site for formal events would have necessarily caused an interruption to any informal recreational use by the local residents so that it would not have been possible for the application site to be used continuously for informal recreation for a full period of twenty years.
67. For these reasons, it is not possible to conclude that qualifying informal recreational use of the application site has taken place for a period of twenty years or more.

Conclusion

68. It is clear from both the user evidence submitted in support of the application and the evidence provided by the landowner, that the application site has a long history of usage for formal community events. Most, if not all, of the witnesses refer to using the application site for this purpose. However, use which is in relation to a formal event for which consent has been granted by the landowner will be by virtue of an extension of that permission and will not be ‘as of right’. Furthermore, the current law is that where such formal events have been held, use of the application site outside of the formal events will be by virtue of an implied permission from the landowner.
69. Notwithstanding the above, there is also evidence that the landowner has taken reasonable steps to deter use of the application site by local residents. Despite the applicant’s assertion to the contrary, there is photographic and documentary evidence of locked gates and prohibitive notices on the application site. There is also evidence of challenge to those accessing the application site directly from their rear gardens.
70. The law is very clear, as noted at paragraph 25 above, that the correct approach in determining whether use of the application site was contentious is to consider

whether the owner of the land has taken reasonable steps to bring to the attention of the users his objection to the use of the land. The various steps taken by the landowner to prevent use of the application site outside of formal events demonstrate that this is not a case where the landowner has simply sat back and tolerated, or acquiesced in, informal recreational use of the application site by the local community.

71. Moreover, when the user evidence is analysed in more detail, there is very little actual qualifying evidence of informal recreational use of the application site during the relevant period. The image presented by the evidence on both side is that, aside from formal community events, the application site was not in general and regular use by the local community for informal recreational activities.

72. For these reasons, it would appear that the required tests for the registration of the land as a new Village Green have not been met.

Recommendation

73. I recommend that the applicant be informed that the application to register land known as Rammell Field at Cranbrook as a new Town or Village Green has not been accepted.

Accountable Officer:

Mr. Mike Overbeke – Tel: 01622 221568 or Email: mike.overbeke@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 PROW and 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 – Table summarising user evidence

APPENDIX D – Examples of consent granted for use of the application site for organised events

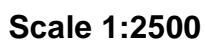
APPENDIX E – Copy of letter from the former Bursar dated 22ND October 2011

APPENDIX F – Letter dated 1st November 1999 from landowner's representative to Tunbridge Wells Borough Council

APPENDIX G – Copies of letter sent to adjoining residents in 1999 and 2005

APPENDIX H – Plan showing area within which users reside

578



FORM CA9

APPENDIX B:
Copy of the application form

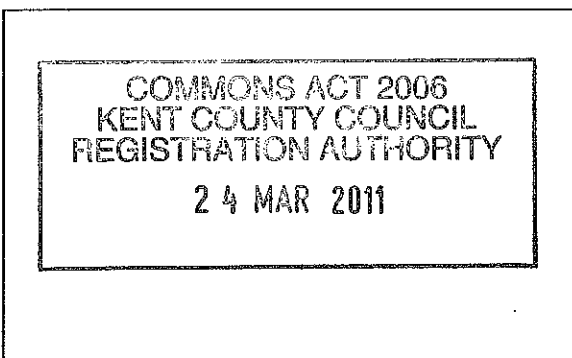
Commons Act 2006: section 15

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



This section is for office use only

Official stamp of the Registration Authority
indicating date of receipt:



Application number:

VGA634

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: ~~TUNBRIDGE WELLS BOROUGH COUNCIL~~
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

Name:

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:



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

****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:

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: RAMMELL FIELD

Location: THE HILL, CRANBROOK. JCT FRYTHE WAY
CRANBROOK

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:

THE HILL, CRANBROOK, JCT FRYTHE WAY - THE HILL
CRANBROOK, PARISH OF CRANBROOK & SISSINGHURST

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

SITE HAS BEEN USED AS AN AREA OF RECREATION SINCE 1766 AND WAS LATER ~~USED~~ PURCHASED BY SUBSCRIPTION AS A MEMORIAL TO THOSE FROM CRANBROOK SCHOOL WHO DIED IN THE GREAT WAR (WWI) AND NAMED WAR MEMORIAL FIELD. SINCE THAT DATE THE FIELD HAS BEEN USED FOR ALL SORTS OF RECREATION AND SPORT.

MANY HOUSES THAT BACK ONTO THIS FIELD HAVE GATES INTO THE FIELD AND USED THESE TO GAIN ACCESS AND WALK THROUGH THE FIELD.

ALTHOUGH NOW REMOVED, FOR SOME REASON, FROM THE CONSERVATION AREA BUT IS STILL DESIGNATED AS AN "IMPORTANT OPEN SPACE" WITH DESIGNATIONS EN21 & EN22.

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

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 LETTER TO HEAD MISTRESS
- ② DETAIL FROM XMAS ISSUE SCHOOL MAGAZINE DATED 1919
- ③ PHOTO OF 'COLOURS' BEING PRESENTED IN FIELD C1920s
- ④ TROOPING ON FIELD (PHOTO)
- ⑤ MAP FROM TUN. WELLS LOCAL PLAN SHOWING FIELD EDGED IN RED AND INDICATING POLICY NOS EN22 (7) & EN21 (6) (DETAILS AND EXPLANATION ATTACHED)
- ⑥ VARIOUS PHOTOS ^(4 OFF) SHOWING EVENTS ON FIELD FOR 2006, 2008, 2010

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

IT IS LIKELY THAT CRANBROOK SCHOOL WILL CHALLENGE THE APPLICATION AS THEY SEE IT AS AN EASY WAY TO RAISE MONEY BY SELLING TO A DEVELOPER EVEN THOUGH THIS FIELD WAS PURCHASED, BY SUBSCRIPTION, IN THE MEMORY OF THOSE EX PUPILS AND TEACHERS WHO GAVE THEIR LIVES IN THE 1ST WORLD WAR.

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:

22/3/2011

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.

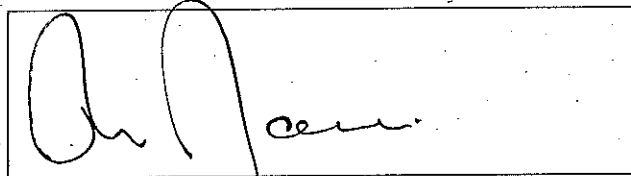
STATUTORY DECLARATION
verifying the evidence in an application
to register Rammell Field, The Hill, Cranbrook
as a new Town or Village Green

I, JAMES DAVIS of 5 Kirby Close, Cranbrook, Kent TN17 3DE solemnly and sincerely declare as follows:-

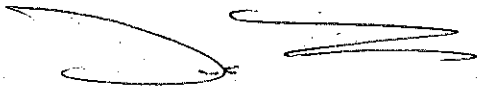
1. I am the Applicant for the registration of Rammell Field, The Hill, Cranbrook, Kent as a new Town or Village Green pursuant to my application dated 22 March 2011.
2. There is now produced and shown to me marked "JD1" a copy of my application with associated documents.
3. I confirm that the evidence contained within my application is true to the best of my information, knowledge and belief.

And I make this declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED by the said JAMES DAVIS
at Tenterden in the County of Kent
this 22 day of March 2011



Before me,

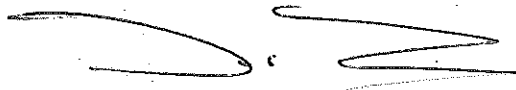


A Solicitor/~~Commissioner for Oaths~~

Justin Nelson, Solicitor
Tenterden Kent TN30 6ES UK

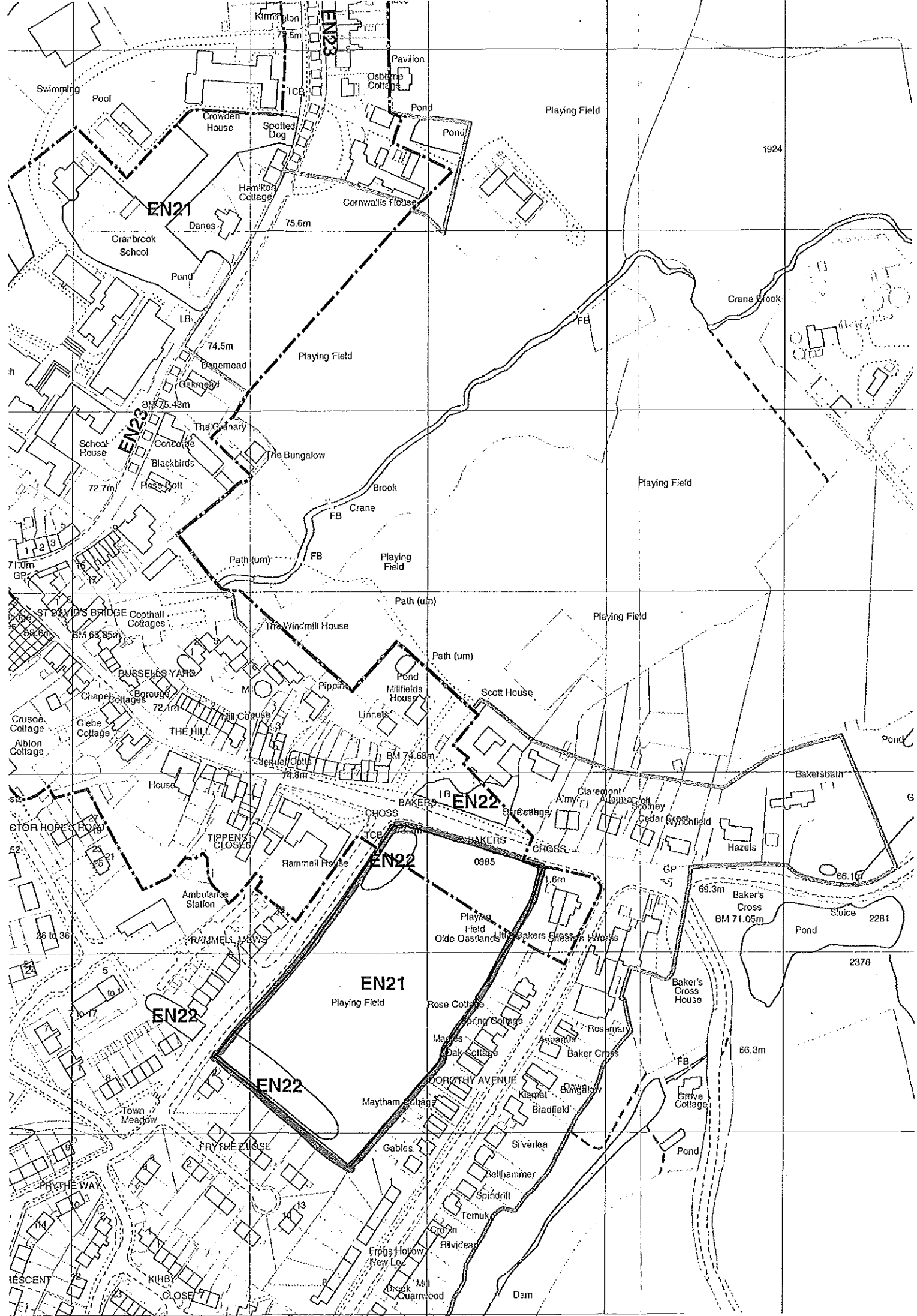
This is the exhibit marked "JD1"
referred to in the statutory declaration of
James Davis
made this 22 day of March 2011

Before me

A handwritten signature in black ink, appearing to be 'Justin Nelson', written over a horizontal line.

A solicitor / ~~Commissioner for Oaths~~

Justin Nelson, Solicitor
Tenterden Kent TN30 6ES UK



Name	Period of use	Frequency of use	Access to the land	Type of use		Comments
				Events	Informal recreation not associated with organised events	
Witnesses who have used for informal recreation not associated with organised events						
Mrs. P. HINKLEY	1950 – present	Occasionally	Through gate	Fairs, fun days, gala days and other special days	As a gathering place when young	Observed use by others on a weekly basis, including by the school and rugby club.
Mr. and Mrs. J. HOOPER	1958 – present	Occasionally	Farm gate off main road	Attended and took roles in local fairs and fun days	Ball games with family	Has seen Cranbrook School notice on gate (no date stated). Observed use by others for rugby (coaching and formal matches) and casual recreational use (football and cricket practice) weekly
Ms. M. LEAH	1988 – present	Occasionally	Gates	Fetes and events	Sports recreation	Observed use by others for recreation, dog walking, sports, fetes and events on a weekly basis.
Mrs. M. GREEN	1950 – present	Occasionally	Side or main gate	Carnival, fetes and fun days	Walking across to get to Dorothy Avenue	Observed occasional use for carnivals, fetes, fun days, walking and children playing.
Mr. B. CLOUT	1968 – 78, 1994 –present	Monthly	Gates	Fun days, fun fairs	Dog walking, training, football	Observed daily use for fairground, rugby, children playing, golf practice, general child play.
Ms. J. PEARSON	1967 – present	Daily	Gate from garden	Fun day, boot fair	Walking	Observed use for boot fair, children playing, fun day and by Rugby Club.
Miss. S. HARRISSON	1950 – present	Occasionally	Main gate	Fun day, fairs, boot fairs	Play ground	Observed occasional use by others for rugby club, fun days, boot fairs
Mr. R. GOINGS	1971 – present	Occasionally	Not stated		Leisure activities	Observed occasional rugby game.
Ms. H. DYKE	1950 – present	Occasionally	Main gate	Fair, fun days, boot fair	Playing field for rounders (with permission) during holidays	Observed frequent use by others for children playing, fun days, rugby.
Mr. and Mrs. M. ANDREWS	1998 – present	Occasionally	Gate	Fun days, fairs, rugby	Dog walking	Observed occasional use for rugby, fun days, fairs and dog walking.
Mrs. T. BARRETT	1985 – present	Occasionally	Field gate from the road	Fetes, annual fair	Watching matches	Observed use by others for matches, playing games, town festivities, boot fairs, annual fun fairs
Mr. M.	1945 –	Occasionally	Gate and	Fetes, circus,	Access to Dorothy	For many years it was the village
Summary of user evidence						

APPENDIX C:

Summary of user evidence

WOODFORD	present	field gate	village events	Avenue	football team's ground. Observed use by others on a weekly basis as short cut, circus, fair and Cranbrook FC
Ms. P. CAVILL	2000 – present	Gate, large and small	Fairs, fun day	Dog walking	Occasionally observed use by others for rugby, walking, fun fair and fun day
Ms. J. BELL	2006 – present	Gate	Fairs	Watching rugby, dog walking (until prohibited by the school)	Observed use by others on a weekly basis for children playing rugby and village events.
Ms. D. TUBMAN	1981 – present	Gate	Fair, annual fun day and boot sale	Flying kites, playing football, golf practice	Observed use by children playing football and golf, and for annual fair and boot fair.
Mr. P. BRILEY	1995 – present	Side gate	Attend fair and fetes	Walk with dog	Observed use by others on a weekly basis.
Mr. G. PIPER	1958 – 70, 1986 –present	Gate	Attending fetes	Rugby (when at school)	Observed occasional use for sport, fetes and funfairs
Mrs. C. KIRKALDIE	1957 – present	Gates	Attended fairs, fun days, fetes	Played on the field as a child	Occasionally observed use by children and young people playing.
Ms. P. DUXBURY	1975 – present	Main gates	Dog show, boot fair	Walking, bird or wildlife watching, watching rugby and football	Observed use by others for many activities.
Mrs. D. ELGOOD	1980 - present	Garden gate		Walking	Observed use by others on a daily basis for summer fete, playground, sports field, rugby club.
Ms. B. PARKER	2003 – present	Back gate	Annual events	Watching rugby, walking, picnics, family games	Observed use by others for annual events, children on bikes and playing, rugby. Has seen sign stating no dogs allowed.
Ms. V. WOODMAN	1955 – present	Back gate		Tennis, rounders, children's games, picnics	Observed use by others for a number of activities on a daily basis, including children playing, walkers, sports matches, boot sales, painting
Mr. M. LESTER	1974 – present	Garden gate	Attending town events	Running, walking, snowmen, kite flying, watching rugby, bird watching	Observed daily use by others for various activities.
Mr. M. TIMMONS	1998 – present	Garden gate	Attending fair	Running, walking, watching rugby	Observed use by others on a daily basis for a variety of recreational activities. Sign stated dogs not permitted on the field.
Mrs. J. LESTER	1970 – present	Garden gate	Attending town events	Running, walking, snowmen, kite flying,	Observed daily use by others for various activities. Sign stated no dogs.

Mr. and Mrs. L. WATSON	1999 – present	Occasionally for events, daily for dog walking	Main gate	Fetes, fun days, fairs, boot fairs, school and club matches	Dog walking	watching rugby, bird watching	Observed daily use by others for fetes, sports matches, fun days, children playing, dog walking, and family recreation.		
Mr. and Mrs. P. ROWLINSON	2000 – present	Twice monthly	Gate	Fun day, boot sales, fair	Playing football with children, flying kites, running	Observed use by others on a daily basis, including children playing sport, recreational use, jogging and fun days.			
Mrs. V. FRY	1980 – present	For annual events		Annual events	Watching rugby	Sign stating dogs prohibited. Land used regularly on Sundays during rugby season, annual fun day and fun fair			
Mr. and Mrs. D. COPSEY and family	1989 – present	Weekly in summer	Gate	Fun days, funfairs	Watching rugby matches, family games, snow games	Notice on small gate, currently present (no dates stated). Observed daily use by others for various activities.			
Mr. and Mrs. H. COX	1999 – present	Variable	Gate	Fun days, sports competitions	Walking, snowballing	Observed use weekly for events and daily for children playing.			
Mr. M. HUXLEY	1984 – present	Occasionally	Gate	Community events	Sport	Frequently observed use by others for community activities, cricket, football, snow activities.			
Mrs. S. HUXLEY	1984 – present	Occasionally	Gate	Community events	Leisure	Frequently observed use by others for sport (especially rugby), leisure and community events.			
Mr. D. MONTAGUE	1997 – present	Occasionally		Town events	Socialising and recreation	Used by the school and rugby club on a weekly basis and annual fairs and fetes			
Witnesses who have only used the land for organised events (e.g. fairs, funfairs, etc)									
Mr. H. DAVIES	2004 – present	Occasionally	Gates	Fairs, fetes etc					
Ms. S. SHARP	1945 – present	Occasionally	Gate	Fetes, fairs etc			Occasionally observed use by others.		
Ms. S. WELLER	1995 – present	Occasionally	Gate	Fetes etc					
Ms. N. RODGERS	2004 – present	Occasionally	Via the gate	Fairs, fetes, school sports			Observed use by others on a daily basis, including by Cranbrook School and Rugby Club.		
Mr. P. MUMMERY	1980 – present	Occasionally	Double gate and small gate	Attended fairs in 1980s and teddy bear picnics in the 1990s			The family fun day committee have used the field for the last five years at the beginning of June for the big fete due to the ability to parade carnival floats onto the field		
Mr. and Mrs.	1979 –	Occasionally	Main gate	Fair, fun day,			Observed occasional use by others for fairs		

E. MILBURN	present			boot fair		and boot fairs.
Mr. R. DANN	1960 – present	Occasionally	By its two gates	Fun days, fairs and functions		Observed use by Cranbrook Rugby Club, fairs and fun day on weekly basis
Mrs. J. POPE	1950 – present	Occasionally	Gate entrances	Visiting circus, fun fairs, town fetes		Observed use by others for circus, town fetes, fun fairs and Cranbrook school pupils
Mr. and Mrs. J. SIMMONDS	1960 – present	Occasionally	Main gate	Boot fair, fun day, fair		Observed use by others for fun days, boot fair, children playing, rugby.
Ms. D. NORTH	20 yrs (specific dates not stated)	Occasionally	Open access	Social, do's – town fetes, fun days, funfair		Charitable events are able to charge for entry to their events on this land. Observed use by others on a daily basis for dog walking and also Cranbrook Rugby Club.
Ms. L. SWANN	1980 – present	Once a year on a regular basis	Through an open gate	Helping with and attending fetes/fun days, enjoying the fun fair		On the Committee organising the town fete held 1 st weekend in June. In 2010 at least 3000 people attended. Observed use by others on a weekly basis.
Ms. L. SEAL	1974 – present	Not stated	Gate	Fetes etc		
Mrs. P. BOXALL	1970 – present	Occasionally	Gate	Fetes, fun days, carnivals		
Ms. M. KNIGHT	2007 – present	Occasionally	Main gate	Fair, fun day, boot fair		Observed use by others most days by rugby club and school students, and for dog walking and running.
Mrs. G. SHARMAN	1980 – present	Occasionally	Gate	Fair ground, fetes, boot fairs		There is a notice on the gate that it is private property. Not observed use by others since private notice erected.
Mr. J. BROWN	1935 – present	Occasionally	Main gate	Fun day, fairs, boot fair and circus		Observed occasional use by others for fun days and children playing
Mr. P. JEMPSON	1971 – present	Occasionally	Pedestrian gate and field gate	Attend town events such as fetes, fun days, fairs and circuses		Observed occasional use by others for fetes, fun days, fairs and circuses.
Mr. and Mrs. FIRMINGER	1966 – present	Occasionally	Gate at Frythe Way	Attending annual fairs and fun day		Used daily as schoolmaster at Cranbrook School for PE and games (1965 – 1990). Observed weekly use by others.
Ms. A. CONSTABLE	1990 – present	Occasionally	Gate	Attending fetes, family fun days		Observed use by others for fetes, fun days, fairs, sport (rugby, golf) and children playing

Mrs. G. HYDE	2007 – present	Occasionally	Side gate	Community events		Sign stating 'no dogs allowed'. Observed daily and weekly use by others.
Ms. E. HOOPER	1966 – present	Monthly	Gate	Fun day		Observed use on a daily basis for walking, football, rugby, golf, running and fetes
Ms. V. RUSSELL	1975 – present	Occasionally	Entrance gate and garden gate	Fair and family fun day		Observed use by others for school rugby, children's golf practice, fun day and fun fair on a weekly basis.
Mr. I. HATCHER	1960 – present	Yearly	Main gates	Town carnivals and fun fair		Observed use by others for weekly sport, children playing games, fun fair, carnivals, fun days.
<i>Witnesses who do not state type of use</i>						
Mr. L. WARREN	1995 – present	Occasionally	Not stated	Not stated	Not stated	Observed occasional use by others
Ms. R. CHAPMAN	1973 – present	Occasionally	Not stated	Not stated	Not stated	Observed occasional use by others
Mr. and Mrs. P. APPS	1960 – present	Not stated	Gate	Not stated	Not stated	
Mr. and Mrs. D. LOCKYER	1977 – present	Not stated	Not stated	Not stated	Not stated	Observed occasional use by others
Mrs. E. WEBSTER	1960 – present	Not stated	Gate	Not stated	Not stated	Observed occasional use by others
Ms. C. CRESSWELL	1980 – present	Not stated	Not stated	Not stated	Not stated	Observed occasional use by others
Ms. R. WELLSTEAD	1975 – present	Occasionally	Not stated	Not stated	Not stated	Observed occasional use by others
Miss. T. GREEN	1985 – present	Not stated	Not stated	Not stated	Not stated	
Ms. M. MORLEY	Not stated	Not stated	Not stated	Not stated	Not stated	
Ms. C. BRADSHAW	1996 – present	Occasionally	Not stated	Not stated	Not stated	Observed occasional use by others
Mrs. E. LEAH	1976 – present	Not stated	Not stated	Not stated	Not stated	Observed use by others occasionally
Mr. R. GOLDING	2008 – present	Occasionally	Not stated	Not stated	Not stated	Observed use by others for picnicking, playing games (football, cricket etc), remote control cars, running, kite flying, fun fairs and fun days.
Mr. and Mrs. B. COLEMAN	1951 – present	Occasionally	Main gate	Not stated	Not stated	Observed use by Rugby Club and for fun day and fair.



Cranbrook, Kent, TN17 3JD

Telephone: School 01580 – 711800 Bursar 01580 – 711811 Fax 01580 – 711808

CONDITIONS AND AGREEMENT FOR HIRE OF RAMMELL FIELD

Hire Agreement between

"The School": Cranbrook School, Waterloo Road, Cranbrook, Kent TN17 3JD

And

"The Hirer": Mr P Mummery
Bay Tree Cottage
The Hill
Cranbrook
Kent.
TN17 3HP

LICENCE PERIOD AND CHARGES

For the hire of Rammell Field on **SUNDAY 11 JUNE 2006**
From 0830 hours to 1800 hours

The fee for this hire period will be **£40.00**

LICENSEE'S OBLIGATIONS

- a. The Licensee is responsible for the behaviour of member of the public at all times.
- b. To ensure that Rammell Field is left clean and returned to its original state.
- c. To ensure that all litter and rubbish is disposed of in an appropriate manner.
- d. Any damage to be reported in writing to the Bursar's Assistant and any cost resulting in damage caused will be paid for by the hirer.



Waterloo Road
Cranbrook
Kent
TN17 3JD

Tel: 01580 711811
Fax: 01580 713972
Email: Facilities@cranbrook.kent.sch.uk
www.cranbrookschool.co.uk
VAT Reg. No 565347618

6838
FILE COPY

Mr. R. Swallow
Cranbrook Rugby Club
20 Joyce Close
Cranbrook
Kent TN17 3LZ

Account Number	Invoice Number	Date
CRANBROOK RUGBY	623	25 th September 2009

Narrative	Amount
Jaegers, Rammell and Scott Fields plus a maximum of 6 sessions on Big Side – as per attached Conditions of Hire.	
Rugby Training and Matches – as per schedule Saturday 2-5 P.M. and Sunday 10-12 A.M. Period: April 2009 – March 2010	
Jaegers: 35 Sessions @ £21.22	£ 742.70
Scott: 20 Sessions @ £31.83	£ 636.60
Rammell: 18 Sessions @ £21.22	<u>£ 381.96</u>
	1761.26
Less 10% Discount for 10 or more sessions	-176.13
Less 10% Regular User Discount	-176.13
Total Due	1409.00
VAT	
Total Amount Payable	1409.00

Please make cheques payable to **Cranbrook School Trust Trading**



CRANBROOK
SCHOOL

Waterloo Road
Cranbrook
Kent
TN17 3JD

FILE COPY

Tel: 01580 711811
Fax: 01580 713972
Email: Facilities@cranbrook.kent.sch.uk
www.cranbrookschool.co.uk
VAT Reg. No 565347618

Mr P Mummery
Bay Tree Cottage
The Hill
Cranbrook
Kent TN17 3HP

Account Number	Invoice Number	Date
MUMMERY	576	08 th May 2009

Narrative	Amount
Rammell Field for Fun Day & Scott Field for parking as per Special Conditions of Hire. Date: Sunday 7 th June 2009 Event: Family Fun Day	
Total Due	43.84
VAT	6.58
Total Amount Payable	50.42

Please make cheques payable to **Cranbrook School Trust Trading**

8/7: payment of £350 cash
received. (If the weather is bad, they won't
becoming so don't pay in yet).
plus deposit cheque for £500
to be kept in safe and given
back if there is no damage to
the grounds.

June 2 2004

Nicky Shaw
Shaws Leisure
43-45 Camden Road
Tunbridge Wells
Kent TN1 2QE

INVOICE

Invoice No. 245

For the use of Rammell field for a Fun Fair
from 12 July to 18 July 2004 inclusive

Net	£ 350.00
Vat	

Gross	<u>£ 350.00</u>
-------	-----------------

Please make cheques payable to Cranbrook School Trust Trading Account

Enquiries and cheques to:
The Bursar, Cranbrook School, Waterloo Road, Cranbrook, Kent TN17 3JD

**APPENDIX E: Copy of letter from the
former Bursar dated 22ND October 2011**

The Red House
Station Road
Charing
Kent TN27 OJA

Tel: 01233 712101

Mrs C Browne
Buss Murton Law
31 High Street
Cranbrook
Kent TN17 3EE

RECEIVED 2 11 2011

22 October 2011

Dear Mrs Browne,

CRANBROOK SCHOOL – Your Ref: CLB/MEW/C00005/13

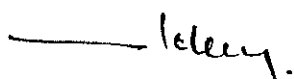
I am surprised that anyone can attempt to register land owned by the school as a village green. Throughout my time at Cranbrook School the field was used for rugby. The only explicit permission for an outsider to use the field was the annual hiring of the field for a circus.

I remember the issue of back gates and garden encroachments being brought to my attention. A letter was drafted, I think with the help of Buss Murton, to make it clear that the householders had no right of access to Rammell Field for any purposes whatsoever. I personally delivered the letter to each of the houses backing onto Rammell Field irrespective of whether the particular house had a back gate. The "no entry" signs on the main vehicular access gate and the small metal gate in the corner closest to Rammell House were renewed and both gates secured by padlock and chain.

I remember there being some objections to the schools action in particular from those who found it easier to walk across the field as a more direct route when going into town. At least one meeting took place on the field. For a long time I made regular checks that the gates were being properly secured. Regretably, I am not able to remember in which year this happened but if it still exists in the School archives any correspondence would be on the Rammell Field file.

Certainly, until my departure I continued to check that the field was being secured and the field was maintained as a sports field for rugby.

Yours sincerely,



A D JOLLEY

ALAN BISHOP CONSULT

Planning • Development • Landscape Ecology



Grove Barn, Grove Lane, Hunton, Maidstone, Kent ME15 0SE. Tel: Hunton (01622) 820775. Fax: (01622) 820775

1 November 1999

Your Ref: GH/4432/1

Our Ref: ADB/es/346

Tony Fullwood
Strategy Design and Projects Manager
Planning Services
Town Hall
Tunbridge Wells
Kent TN1 1RS

For the attention of Gill Harris

Dear Gill Harris

Tunbridge Wells Borough Local Plan Submissions by Cranbrook School

I refer to your letters of 30 July and 13 August 1999 and am now in a position to respond to your request for further information.

Rammell Field

The field is commonly referred to as Rammell Field although its official title is The Cranbrook School War Memorial Playing Field. The TWBC Non Domestic Rates refer to the field as Playing Field, The Hill.

Rammell Field was originally conveyed to the Governors of Cranbrook School by a Conveyance dated 31 August 1922 and is currently held as part of Cranbrook School Trust. The Conveyance recites that the Old Cranbrookians Association wished to perpetuate the memory of former boys at the Grammar School who fell in the Great War and they subscribed certain monies to purchase the field from Mr Roland Hubert Rumens. The field was conveyed to the Governors who agreed to accept the Conveyance upon certain terms and conditions. It was not a bequest by Arthur Rammell.

The terms and conditions were that the land was to be held on trust and was to be known as "The Cranbrook School War Memorial Playing Field" and was to continue to be known as that unless and until the field was sold.

The Trust was ultimately a trust for sale so that the field could be sold at such time as the Trustees in their absolute discretion thought fit and they should

then use the proceeds of any such sale "for or towards the purchase of another Playing Field" which was also to be known as "The Cranbrook School War Memorial Playing Field".

Subsequently, in 1947 the then Trustees conveyed to Cranbrook RDC a strip of land along the north-western side of the field which would be, we believe, a sliver of land along the boundary of Rammell Field with Frythe Way. Further enquiries are being made by the School's solicitor on this. We believe that the land which was conveyed to Cranbrook RDC was used as part of the Frythe Way improvements at the time and is now part of the public highway.

Turning to the use of the site by local people, there are a number of points requiring clarification. Formal recreation is restricted to the school's own use for sports which for many years has not exceeded more than 8 hours use in a year. Official community use has been limited but does include renting the field for an annual fair which visits the town for a week and occupies roughly half the site. The School has also approved the use by Cranbrook Business Association, on an occasional basis, for one day events but not in the last two years.

So far as use of the site as a recreational area on a day to day basis is concerned the School is not aware of any regular use by the community. The exercising of dogs has always been challenged on all the School playing fields without exception because of the health risks. The use by local residents, with back garden gates, of the field as a short cut to the town has been tolerated albeit reminding them that they have no rights of access.

The School policy has been to lock all gates during the holidays between terms and "Private Property, Cranbrook School. No unauthorised entry" signs have been on both gates for many years. "No entry for dogs" signs are also displayed on each gate. Perimeter fencing and hedges are routinely repaired to restrict unauthorised access. Letters were sent to all property owners with garden gates giving access to the field in 1988 and again in August 1999 reminding them that they did not have any right of access.

Use of the site informally by local people where it has taken place is tolerated but not a right.

Jaegers Field

Jaegers Field was transferred to the ownership of the Governing Body, Cranbrook School from Kent County Council on 16 March 1993 as a result of the power vested in the Secretary of State for Education and Science in the Education Reform Act 1988. The land is subject to some covenants, restrictions and stipulations dating from a Conveyance in 1938 when Mr Jaeger purchased the field.

In summary these are:-

No building nearer than 50 feet of Anglely Road

No temporary buildings, huts, sheds, caravans, houses on wheels or other sheds for use as a dwelling were to be erected except as incidental to the erection of permanent properties.

No building other than private dwelling houses or messuages were to be erected on the land.

No trade, manufacture, profession or business was to be carried out on the land, no building was to be erected on the land and used as anything other than as a private dwelling or flat. There were some exclusions for the carrying on the practice or profession of doctor, physician, surgeon or dentist. The houses were not to be used for insane persons or inebriants or for any noisy, noxious or offensive purposes! No nuisances were to be caused. No bricks, tiles, clay or lime was to be burnt; no excavations were to be carried out other than for buildings and drains and no quarrying was to be carried out. No booths, shows, swings, roundabouts or hoardings or advertising stations were to be put on the premises, other than for sale or to let boards! The land was not to be used for the storage of rubbish or building materials.

The School policy for Jaegers Field has been to lock the entrance gate during the holidays between terms and a 'Private Property, Cranbrook School. No unauthorised entry' sign has been on the gate for many years. Perimeter fencing and hedges are routinely repaired to restrict unauthorised access. A natural fallen tree barrier has been created in the North Eastern corner of the property where unknown persons had regularly cut and removed a section of fencing.

Letters have been sent in August 1999 to all property owners with garden gates giving access to the field reminding them that they did not have a right of access.

The School is not aware of any regular use by the community of the field as a recreational area.

The playing field is occasionally used by Cranbrook Rugby Club when their pitches are unfit for use. The School would normally be able to supply an alternative pitch if Jaegers was no longer available. The field was made available for car parking when the 'Tour de France' route passed through the outskirts of Cranbrook.

School use of the playing field for games has declined to the extent that it has not been used over the last five years or so due to its proximity to the road,

distance from the School and changing facilities and the availability of the other School rugby pitches more conveniently located.

School Development

Reference has been made in my earlier submission on Cranbrook School's continuing commitment to investment in its sports facilities. I confirm that in the medium to long term the School seeks to:

Level and properly drain existing playing fields.

Provide additional changing facilities and pavilions

Provide a second astro turf hockey/tennis pitch preferably with floodlighting.

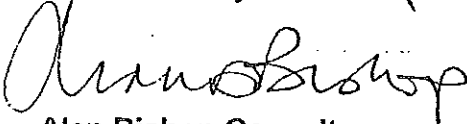
Provide an all weather athletic track.

Capital funding is unlikely to be provided by the Government and hence the Trustees must examine the value of the Trusts assets in implementing the improvement plans.

I trust that the above is of assistance.

If you should wish to discuss any matters I would be happy to arrange to meet with you together with my client.

Yours sincerely



Alan Bishop Consultancy

cc: Mr A D Jolley
Bursar and Clerk to the Governors

CRANBROOK SCI



Cranbrook, Kent. TN17 3JD

Telephone: School 01580 - 712163 Bursar 01580 - 713334 Fax 01580 - 715365

The Occupant

Ref: 3200

30 July 1999

Dear Occupant,

I am writing to you as the occupant of a house that backs onto Rammell Field. At some time in the past, a gate has been constructed in your fence bordering the field and it is appropriate that I draw to your attention the fact that you have no rights of access to or passage across Rammell Field which is a private sports field owned by the Trustees of Cranbrook School Trust. The exercising of dogs and the consequent fouling of a sports field is also totally unacceptable.

The field is private property and I would ask for your co-operation in respecting it as such. The School solicitors have been asked to advise on any further action that should be taken to properly secure the field.

Yours sincerely,

A D JOLLEY
Clerk to the Trustees

CRANBROOK SCHOOL



Cranbrook, Kent. TN17 3JD

Bursar's Dept: 01580 711811

Fax: 01580 711828

Email: facilities@cranbrook.kent.sch.uk

The Occupant
1 Dorothy Avenue
Cranbrook
Kent
TN17 3AP

17 January 2005

Dear Occupant,

I am writing to you as the occupant of a house that backs on to Rammell Field.

The Governors and I recently reviewed the School's land and noted that you have an access gate from the back of your property on to the Field.

Rammell Field is a private sports field and you have no rights of access to, or passage across it and I would therefore ask for your cooperation in respecting it as such.

Please can you acknowledge receipt of this letter and let me know by which date you intend to reinstate a formal boundary.

Yours sincerely

Karen Radford
Bursar

APPENDIX H: Plan showing area within which users reside

