

Application to register land known as the Old Putting Green at Ramsgate 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 3rd March 2015.

Recommendation: I recommend that the County Council informs the applicant that the application to register the land known as the Old Putting Green at Ramsgate has been accepted, and that the land subject to the application be formally registered as a Town or Village Green.

Local Member: Mr. A. Terry and Ms. Z. Wiltshire

Unrestricted item

Introduction

1. The County Council has received an application to register land known as the Old Putting Green at Montefiore Avenue at Ramsgate as a new Town or Village Green from the Thanet District Council ("the applicant"). The application, received on 18th March 2014, was allocated the application number VGA661. 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**.
2. Members may recognise the application site, which was the subject of a previous Village Green application in 2007 made under section 15(1) of the Commons Act 2006 (i.e. on the basis of twenty years' use). At the time, Thanet District Council (as landowner) opposed the application and the application was eventually refused on the basis that it did not meet the relevant legal tests.
3. Generally speaking, the County Council is not able to re-consider a new Village Green application for a piece of land that has already been subject to a previous (unsuccessful) application. However, in this case, the current application has been made under a separate section of the Commons Act 2006 and, moreover, it is made at the landowner's request. As such, there is no bar to the registration of the land as a Town or Village Green as a result of the current application.

Procedure

4. Traditionally, Town and Village Greens have derived from customary law and until recently it was only possible to register land as a new Town or Village Green where certain qualifying criteria were met: i.e. where it could be shown that the land in question had been used 'as of right' for recreational purposes by the local residents for a period of at least 20 years.
5. However, a new provision has been introduced by the Commons Act 2006 which enables the owner of any land to apply to voluntarily register the land as a new Village Green without having to meet the qualifying criteria. Section 15 states:

“(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.”

6. Land which is voluntarily registered as a Town or Village Green under section 15(8) of the Commons Act 2006 enjoys the same level of statutory protection as that of all other registered greens and local people will have a guaranteed right to use the land for informal recreational purposes in perpetuity. This means that once the land is registered it cannot be removed from the formal Register of Town or Village Greens (other than by statutory process) and must be kept free of development or other encroachments.
7. In determining the application, the County Council must consider very carefully the relevant legal tests. In the present case, it must be satisfied that the applicant is the owner of the land and that any necessary consents have been obtained (e.g. from a tenant or the owner of a relevant charge). Provided that these tests are met, then the County Council is under a duty to grant the application and register the land as a Town or Village Green.

The Case

Description of the land

8. The area of land subject to this application (“the application site”) consists of an irregularly-shaped piece of land with a grass surface approximately 0.8 acres (0.32 hectares) in size. The application site is situated to the side and rear of the Montefiore Games Centre on Montefiore Avenue at Ramsgate. Public Footpath TRX19 abuts the eastern side of the application site.
9. A plan of the application site is attached at **Appendix A**.

Notice of Application

10. As required by the regulations, Notice of the application was published on the County Council’s website. The local County Members were also informed of the application, as was Ramsgate Town Council.
11. Ramsgate Town Council wrote to confirm its support for the application on the basis that the application site, if registered as a Village Green, would give a much needed ‘green lung’ in a heavily developed area.
12. The Thanet Bowls Club also wrote in support of the application, noting that it felt passionately that the leisure and recreational value of the application site must be protected for future generations.
13. Letters and emails of support were also received from 22 local residents, as well as the local Borough Councillors. The general consensus is that the application site has been used by a variety of people for recreational purposes on a very

regular basis for many years. It is considered that the land is a valuable community resource that should be safeguarded for future generations.

Ownership of the land

14. A Land Registry search has been undertaken which confirms that the application site is wholly owned by the applicant under title number K903136. A copy of the Register of Title is attached at **Appendix C**.
15. There are no other interested parties (e.g. leaseholders or owners of relevant charges) named on the Register of Title.

The 'locality'

16. DEFRA's view is that once land is registered as a Town or Village Green, only the residents of the locality have the legal right to use the land for the purposes of lawful sports and pastimes. It is therefore necessary to identify the locality in which the users of the land reside.
17. A locality for these purposes normally consists of a recognised administrative area (e.g. civil parish or electoral ward) or a cohesive entity (such as a village or housing estate).
18. In this case, the application form specified the relevant locality as the Borough Council ward of Sir Moses Montefiore. As noted above, an electoral ward is a qualifying locality for the purposes of Village Green registration and, as such, it seems appropriate that the relevant locality in this case should be the electoral ward of Sir Moses Montefiore.

Conclusion

19. As stated at paragraph 5 above, the relevant criteria for the voluntary registration of land as a new Town or Village Green under section 15(8) of the Commons Act 2006 requires only that the County Council is satisfied that the land is owned by the applicant. There is no need for the applicant to demonstrate use of the land 'as of right' for the purposes of lawful sports and pastimes over a particular period.
20. It can be concluded that all the necessary criteria concerning the voluntary registration of the land as a Village Green have been met.

Recommendations

21. I recommend that the County Council informs the applicant that the application to register the land known as the Old Putting Green at Ramsgate has been accepted, and that the land subject to the application be formally registered as a Town or Village Green.

Accountable Officer:
Mr. Mike Overbeke – Tel: 03000 4134227 or Email: mike.overbeke@kent.gov.uk
Case Officer:
Ms. Melanie McNeir – Tel: 03000 413421 or Email: melanie.mcneir@kent.gov.uk

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

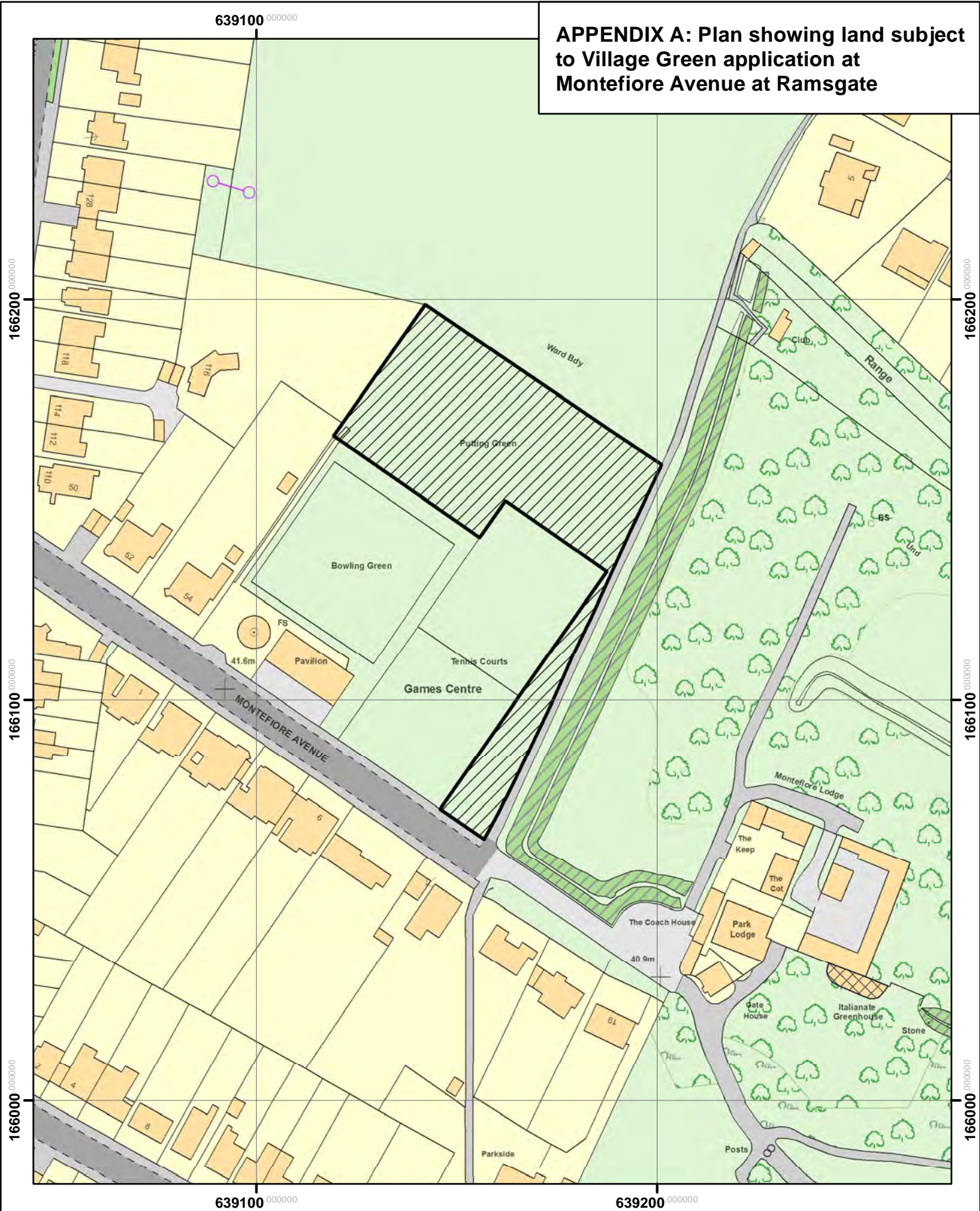
Background documents

APPENDIX A – Plan showing application site

APPENDIX B – Copy of application form

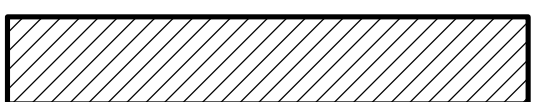
APPENDIX C – Copy of the Register of Title from Land Registry

APPENDIX A: Plan showing land subject to Village Green application at Montefiore Avenue at Ramsgate



Scale 1:1250

Land subject to Village Green application at Montefiore Avenue, Ramsgate



FORM CA9

APPENDIX B: Copy of the application form

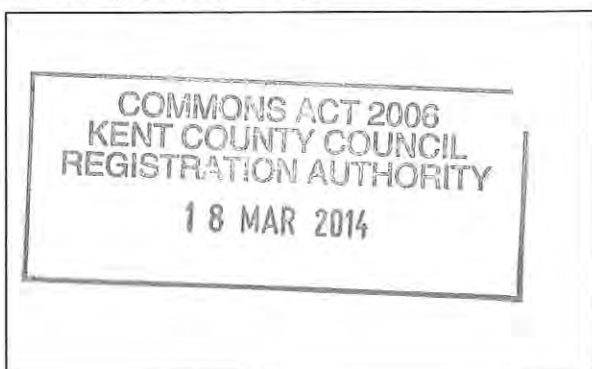
Commons Act 2006: section 15

**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:

VC1A661

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: THE COMMONS REGISTRATION TEAM
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: THANET DISTRICT COUNCIL

Full postal address:
(incl. Postcode) PO BOX 0
CECIL STRET
MARGATE
KENT CT 9 1XZ

Telephone number:
(incl. national dialling code) 01843 577053

Fax number:
(incl. national dialling code) 01843 577686

E-mail address: mandy.robinson@thanet.gov.uk

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: ☐

<p><i>*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.</i></p>	<p>If section 15(3) or (4) applies, please indicate the date on which you consider that use 'as of right' ended and why:</p> <p>N/A</p> <p>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:</p>
<p>Note 5 <i>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.</i></p>	<p>5. Description and particulars of the area of land in respect of which application for registration is made</p> <p>Name by which usually known:</p> <p>THE OLD PUTTING GREEN</p> <p>Location:</p> <p>MONTEFIORE AVENUE, RAMSGATE</p> <p>Common Land register unit number (only if the land is already registered Common Land):</p> <p>Please tick the box to confirm that you have attached a map of the land (at a scale of at least 1:2,500): <input checked="" type="checkbox"/></p>
<p>Note 6 <i>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.</i></p>	<p>6. Locality or neighbourhood within a locality in respect of which the application is made</p> <p>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:</p> <p>MOSES MONTEFIORE WARD RAMSGATE THANET DISTRICT</p> <p>Please tick here if a map is attached (at a scale of 1:10,000): <input checked="" type="checkbox"/></p>

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

N/A

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

N/A

<p>Note 9 <i>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.</i></p>	<p>9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land</p> <p>N/A</p>
<p>Note 10 <i>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.</i></p>	<p>10. Supporting documentation</p> <p>SITE PLAN LOCATION PLAN COPY OF REGISTER ENTRY LAND REGISTRY TITLE NUMBER: K903136</p>
<p>Note 11 <i>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.</i></p>	<p>11. Any other information relating to the application</p>

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: 14th March 2014

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.



Montefiore Ave, Ramsgate

OFFICIAL COPY C

APPENDIX C: Copy of Land Registry title

This official copy shows the entries subsist
**This date must be quoted as the 'search
based on this copy.**

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the
same extent as the original.

Issued on 7 June 2006.

This title is dealt with by **Land Registry Tunbridge Wells Office.**

Land Registry

Title Number : **K903136**

Edition Date : 7 June 2006

A: Property Register

This register describes the land and estate comprised in the title.

KENT : THANET

1. (02.06.2006) The Freehold land shown edged with red on the plan of the
above title filed at the Registry and being Bowling Green and Tennis
Courts, Montefiore Avenue, Ramsgate.

B: Proprietorship Register

*This register specifies the class of title and identifies the owner. It contains any entries that affect the
right of disposal.*

Title Absolute

1. (02.06.2006) PROPRIETOR: THANET DISTRICT COUNCIL of PO Box 9 Cecil
Street, Margate, Kent CT9 1XZ.

C: Charges Register

This register contains any charges and other matters that affect the land.

1. (02.06.2006) A Conveyance of the land tinted pink on the title plan
dated 26 January 1909 made between (1) Bridget Humble Crofts (2) William
John Humble Crofts (3) Edward William Egerton Tylden-Wright and Sir
Archibald Woollaston White (4) John Edward Hodding and Edward William

C: Charges Register continued

Egerton Tylden-Wright (5) William Dunning Hayward and (6) The Thanet Bowls Club Limited contains restrictive covenants.

NOTE: Copy filed.

2. (02.06.2006) A Conveyance of the land tinted blue on the title plan dated 7 July 1913 made between (1) Bridget Humble Crofts (2) William John Humble Crofts (3) Edward William Egerton Tylden-Wright and Sir Archibald Woollaston White (4) John Edward Hodding and Edward William Egerton Tylden-Wright and (5) The Thanet Bowls Club Limited contains restrictive covenants.

NOTE: Copy filed.

3. (02.06.2006) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

Schedule of Notices of Leases

Registration date and Plan ref.	Property description	Date of lease and Term	Lessee's Title
1. 02.06.2006	Pavilion, Montefiore Games Centre	05.08.2002 25 years from 1.4.2002	

END OF REGISTER

NOTE: The date at the beginning of an entry is the date on which the entry was made in the Register.



TITLE NUMBER
K903136

KENT : THANET



ORDNANCE SURVEY MAP REFERENCE:

TR3966SW

SCALE 1:1250

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This title plan shows the general position of the boundaries; it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 7 June 2006 at 11:54:15. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 7 June 2006.

This title is dealt with by the Tunbridge Wells District Land Registry

