

Application to register land at Langney Drive at Kingsnorth as a new Town or Village Green

A report by the Head of Public Protection to Kent County Council's Regulation Committee Member Panel on Tuesday 19th May 2015.

Recommendation: I recommend that the applicant be informed that the application to register land at Langney Drive at Kingsnorth has not been accepted.

Local Member: Mr. M. Angell

Unrestricted item

Introduction

1. The County Council has received an application to register land at Langney Drive at Kingsnorth as a new Town or Village Green from the Kingsnorth Parish Council ("the applicant"). The application, made on 2nd December 2014, was allocated reference number VGA662. 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 ("the 2006 Act") and the Commons Registration (England) Regulations 2014 ("the 2014 Regulations").
3. Section 15 of the 2006 Act enables any person to apply to a Commons Registration Authority to register land as a Town or Village Green where it can be shown that:
'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;
4. In addition to the above, the application must meet one of the following tests:
 - **Use of the land has continued** 'as of right' until at least the date of application (section 15(2) of the Act); or
 - **Use of the land 'as of right' ended no more than one year prior to the date of application**¹, e.g. by way of the erection of fencing or a notice (section 15(3) of the Act).
5. As a standard procedure set out in the 2014 Regulations, the landowner of the application site must be notified as well as every local authority in the area. The County Council must also publicise the application by way of a notice on the County Council's website as well as notices on the application site itself. The publicity must state a period of at least six weeks during which objections and representations can be made.

¹ Note that from 1st October 2013, the period of grace was reduced from two years to one year (due to the coming into effect of section 14 of the Growth and Infrastructure Act 2013).

The application site

6. The area of land subject to this application (“the application site”) consists of an area land of approximately 2.1 acres (0.86 hectare) in size comprising the eastern portion of an area of woodland known as Joy Wood and an adjacent piece of grassed open space situated at Langney Drive in the parish of Kingsnorth. Access to the application site is gained by way of the footway forming part of Langney Drive (which abuts the unfenced southern boundary of the site) and a footpath which runs to the rear of properties in Collingbourne Close and Bargates Close.
7. The application site is shown in more detail on the plan at **Appendix A**.

The case

8. The application has been made on the grounds that the application site has become a Town or Village Green by virtue of the actual use of the land by the local inhabitants for a range of recreational activities ‘as of right’ for over 20 years. The applicant notes that the application site is well used by the community and provides much needed space for children to play.
9. Included with the application form were a statement in support, plans showing the application site and neighbourhood, 14 user evidence questionnaires and a summary table of the user evidence (a copy of which is attached at **Appendix C**).
10. The applicant’s case is that the application site has been well used for recreational activities by residents of Washford Farm (and the neighbouring area) since the construction of the housing estate in 1979.

Consultations

11. Consultations have been carried out as required.
12. County Member Mr. M. Angell wrote to express his support for the application.
13. One local resident also wrote in support of the application (but did not elaborate on the reasons or offer any evidence in support).

Landowner

14. The application site is wholly owned by Ashford Borough Council (“the Borough Council”) and registered at the Land Registry under title numbers K334314 and K617613.
15. The Borough Council has objected to the application on the basis that the land was acquired and is held by it under powers that enable the Council to make land available for public recreation and, as such, use of the application site has been ‘by right’ and not ‘as of right’.

Legal tests

16. In dealing with an application to register a new Town or Village Green the County Council must consider the following criteria:

- (a) *Whether use of the land has been 'as of right'?*
- (b) *Whether use of the land has been for the purposes of lawful sports and pastimes?*
- (c) *Whether use has been by a significant number of inhabitants of a particular locality, or a neighbourhood within a locality?*
- (d) *Whether use of the land 'as of right' by the inhabitants has continued up until the date of application or, if not, ceased no more than one year prior to the making of 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'?*

17. The definition of the phrase 'as of right' has been considered by the House of Lords. Following the judgement in the *Sunningwell*² case, it is considered that if a person uses the land for a required period of time without force, secrecy or permission ("*nec vi, nec clam, nec precario*"), and the landowner does not stop him or advertise the fact that he has no right to be there, then rights are acquired.

18. In this case, there is no evidence that any use of the application site has taken place in secrecy or in exercise of any force. However, the application site is owned by the local Borough Council and, in cases where land is owned by the local authority, it will be important to determine whether or not recreation use of the application site by the local inhabitants has been by virtue of any form of permission. Use which is in exercise of any permission (express or implied) will not be 'as of right'.

19. Local authorities have various powers to acquire and hold land for a number of different purposes to assist in the discharge of their statutory functions. The mere fact that a local authority owns land therefore does not automatically mean that the local inhabitants are entitled to conduct informal recreation on it. However, if a particular piece of land has been acquired and is provided by the local authority specifically for the purposes of public recreation, then use of the application site is generally considered to be by virtue of an existing (implied) permission and, hence, is not 'as of right'.

20. The issue was recently considered by the Supreme Court in *Barkas*³ case, which concerned a playing field that had been acquired by the local authority specifically for the purpose of public recreation. In that case, Lord Neuberger, delivering the leading judgement, concluded that, in cases where land was held by a local authority specifically for the purposes of public recreation⁴:

"...it appears to me that members of the public have a statutory right to use the land for recreational purposes, and therefore use the land 'by right'

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

³ *R (Barkas) v North Yorkshire County Council* [2014] UKSC 31

⁴ At paragraphs 21 and 24 of the judgement

and not as trespassers, so that no question of user 'as of right' can arise. In Sunningwell at pp 352H-353A, Lord Hoffman indicated that whether user was 'as of right' should be judged by "how the matter would have appeared to the owner of the land", a question which must, I should add, be assessed objectively. In the present case, it is, I think, plain that a reasonable local authority in the position of the Council would have regarded the presence of members of the public on the Field, walking with or without dogs, taking part in sports, or letting their children play, as being pursuant to their statutory right to be on the land and to use it for these activities, given that the field was being held and maintained by the Council for public recreation pursuant to section 12(1) of the 1985 Act and its statutory predecessors.

...
I agree with Lord Carnwarth that, where the owner of the land is a local, or other public, authority which has lawfully allocated the land for public use (whether for a limited period or an indefinite period), it is impossible to see how, at least in the absence of unusual additional facts, it could be appropriate to infer that members of the public have been using the land 'as of right' simply because the authority has not objected to their using the land. It seems very unlikely that, in such a case, the legislature could have intended that such land would become a village green after the public had used it for twenty years. It would not merely be understandable why the local authority had not objected to the public use: it would be positively inconsistent with their allocation decision if they had done so. The position is very different to that of a private owner, with no legal duty and no statutory power to allocate land for public use, with no ability to allocate land as a village green, and who would be expected to protect his or her legal rights".

21. In this case, the Borough Council contends that part of the application site was acquired by one of the Council's predecessors (the West Ashford Rural District Council) in October 1969 under the Physical Training and Recreation Act 1937. Section 4 of that Act provided that a local authority may acquire, lay out and maintain lands for various purposes, including for playing fields. This provision was subsequently repealed and replaced by section 19 of the Local Government (Miscellaneous Provisions) Act 1976, which provides that a local authority may provide 'such recreational facilities as it thinks fit'.
22. The remaining section of the application site was acquired (along with other land nearby) in 1986 by transfer from the development company responsible for building the Washford Farm estate and is described in the transfer as 'donated open spaces at Washford Farm Estate, Ashford'. The Borough Council contends that this section is held under the Open Spaces Act 1906, section 9 of which gives power to a local authority to acquire and maintain land as open space.
23. As such, the Borough Council's position is that any recreational use of the application site has taken place 'by right' and not 'as of right'. In support of this position, the Borough Council has provided a copy of the Land Registry title referring to one part of the land and the transfer document relating to the other section. These are appended at **Appendix D**.

24. Having considered the Borough Council's submissions, the Parish Council now accepts that use of the application site has not taken place 'as of right', and this test is therefore not met (see letter at **Appendix E**)

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

25. 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*'⁵.

26. The summary of evidence of use by local residents at **Appendix C** shows the range of activities claimed to have taken place on the application site, which include dog walking, playing with children and jogging. Many of these activities have taken place on a regular basis.

27. Accordingly, there is evidence that the application site has been used for the purposes of lawful sports and pastimes (which is entirely consistent with its provision by the Borough Council as a public open space).

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

28. 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.

29. 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 Builders⁶ case, it was considered that '*...at the very least, Parliament required the users of the land to be the inhabitants of somewhere that could sensibly be described as a locality... there has to be, in my judgement, a sufficiently cohesive entity which is capable of definition*'. The judge later went on to suggest that this might mean that locality should normally constitute '*some legally recognised administrative division of the county*'.

30. In this case, the applicant has specified the relevant locality (at part 6 of the application form) as being the Washford Farm Ward of Kingsnorth Parish Council. This being a legally recognised administrative unit, it would be capable of constituting a qualifying locality for the purposes of Village Green registration.

⁵ *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

⁶ *R (Cheltenham Builders Ltd.) v South Gloucestershire District Council* [2004] 1 EGLR 85 at 90

“a significant number”

31. 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’*⁷. Thus, it is not a case of simply proving that 51% of the local population has used the application site; 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.
32. It is to be noted that all but one of the users live in the same residential close, comprising a total of 38 properties and making up only a very small geographical area of the Washford Farm Ward as a whole. Whilst there is no requirement for users to be spread evenly across the whole of the locality relied upon by the applicant, it is unlikely (at the other end of the scale) that use from the residents of a single street (comprising only a very small part of the locality) will be sufficient to demonstrate that use of the application site has taken place by the community as a whole.
33. As such, it is unlikely that this test has been met (although in light of the conclusions in regard to the ‘as of right’ test, it is unnecessary to reach a definitive conclusion on this point).

(d) Whether use of the land ‘as of right’ by the inhabitants has continued up until the date of application or, if not, ceased no more than one year prior to the making of the application?

34. The Commons Act 2006 requires use of the land to have taken place ‘as of right’ up until the date of application or, if such use has ceased prior to the making of the application, section 15(3) of the 2006 Act provides that an application must be made within one year from the date upon which use ‘as of right’ ceased.
35. In this case, the application is made under section 15(2) of the 2006 Act and there is no evidence that actual use of the application site for recreational purposes ceased prior to the making of the application. As such, this test is met.

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

36. In order to qualify for registration, it must be shown that the land in question has been used for a full period of twenty years. In this case, use ‘as of right’ did not cease prior to the making of the application in 2014. The relevant twenty-year period (“the material period”) is calculated retrospectively from this date and is therefore 1994 to 2014.
37. In this case, the user evidence summarised at **Appendix C** shows that the majority of the users have used the application site for the full period of twenty years. Therefore, this test appears to have been met.

⁷ *R (Alfred McAlpine Homes Ltd.) v Staffordshire County Council* [2002] EWHC 76 at paragraph 71

Conclusion

38. This case turns primarily on the issue of whether use of the application site has taken place 'as of right'. As has been demonstrated by the Borough Council (as landowner), and accepted by the applicant, use of the application site has been by virtue of the fact that it has been provided specifically for the purposes of public recreation by the landowning local authority. The law is clear that, under such circumstances, a Village Green application cannot succeed.

39. Accordingly, for the reasons set out in this report and from close consideration of the evidence submitted, it would therefore appear that the legal tests concerning the registration of the land as a Village Green (as set out above) have not been met.

Recommendation

40. I recommend that the applicant be informed that the application to register land at Langney Drive at Kingsnorth has not been accepted.

Accountable Officer:

Mr. Mike Overbeke – Tel: 03000 413427 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, Invicta House, County Hall, Maidstone. Please contact the Case Officer for further details.

Background documents

APPENDIX A – Plan showing land subject to application

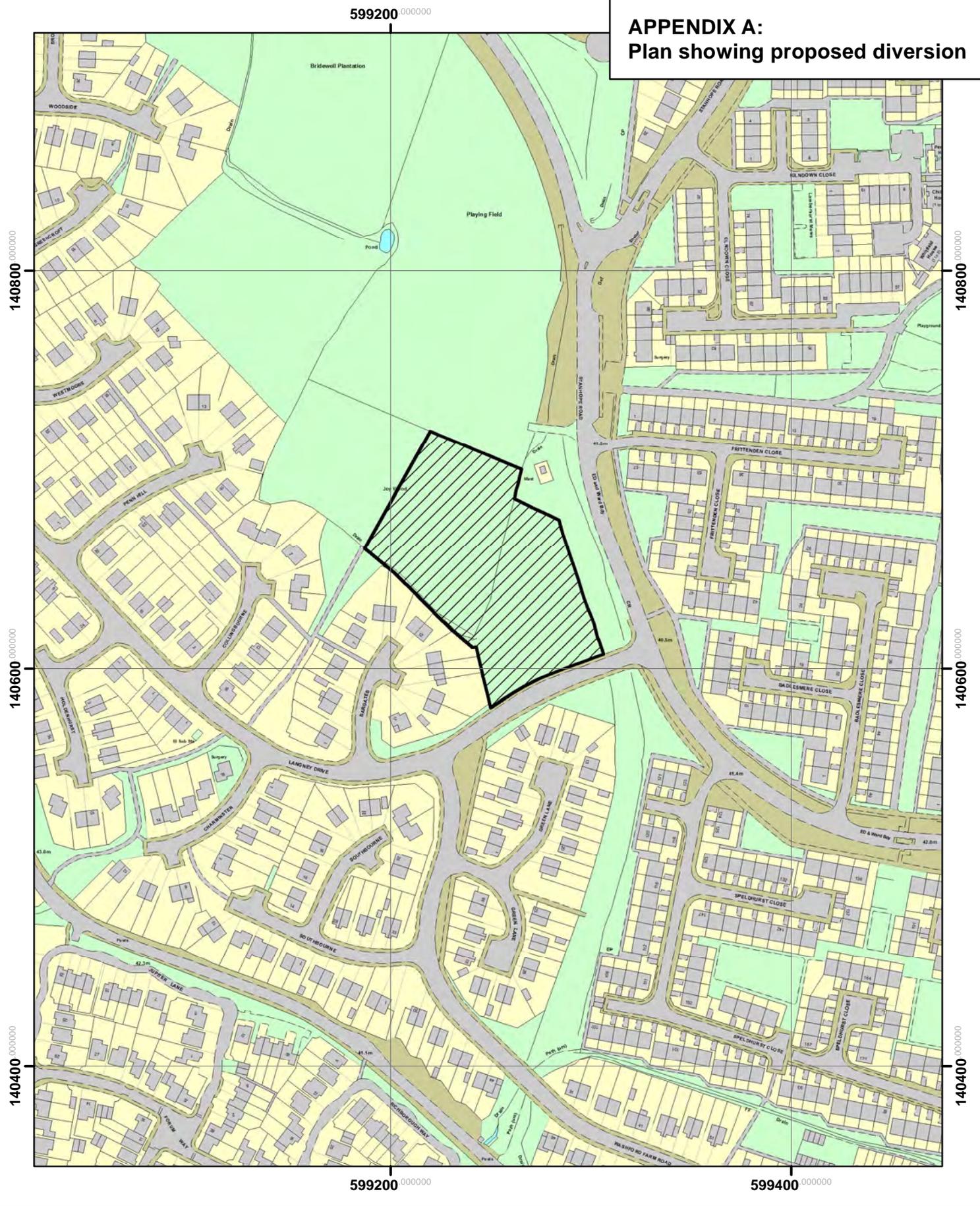
APPENDIX B – Copy of application form

APPENDIX C – Table summarising user evidence

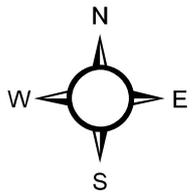
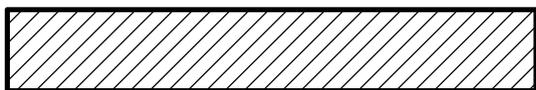
APPENDIX D – Copies of the Land Registry title and transfer document

APPENDIX E – Letter from the applicant dated 15/04/15

**APPENDIX A:
Plan showing proposed diversion**



**Land subject to Village Green application
at Washford Farm, Kingsnorth**



Scale 1:2500

**APPENDIX B:
Copy of the application form**

FORM CA9

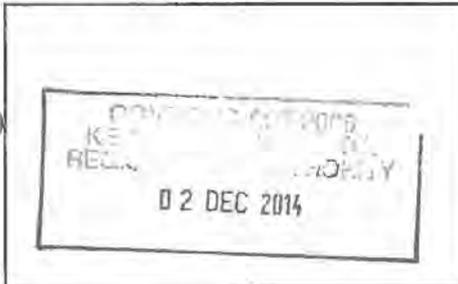
Commons Act 2006: section 15

**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:

VC1A662

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

Note to applicants

Applicants are advised to read the 'Part 1 of the Commons Act 2006 (changes to the commons registers): Guidance to applicants in the pilot implementation areas' and to note the following:

- All applicants should complete parts 1–6 and 10–12.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete parts 7 and 8. Any person can apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete part 9. Only the owner of the land can apply under section 15(8).
- There is no fee for applications under section 15.

Note 1
Insert name of Commons
Registration Authority

1. Commons Registration Authority

To the:

KENT COUNTY COUNCIL

Note 2

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

2. Name and address of the applicant

Name: KINGSNORTH PARISH COUNCIL
PARISH OFFICE
Full postal address: KINGSNORTH RECREATION CENTRE
(incl. Postcode) FIELD VIEW
ASHFORD
KENT TN23 3NZ
Telephone number: 01233 502969
(incl. national dialling code)
Fax number:
(incl. national dialling code)
E-mail address: KINGSNORTH-CLERK@BTCONNECT.COM

Note 3

This part should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, you may receive communications from the Registration Authority or other persons (e.g. objectors) via email.

3. Name and address of representative, if any

Name:
Firm:
Full postal address:
(incl. Postcode)
Telephone number:
(incl. national dialling code)
Fax number:
(incl. national dialling code)
E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 9 to the Commons Registration (England) Regulations 2008.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5. Application made under section 15(8):

If the application is made under section 15(1) of the Act, please tick one of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

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

7. Justification for application to register the land as a Town or Village Green

THERE IS A LACK OF OPEN SPACE THAT THE RESIDENTS OF WASHFORD FARM HAVE FOR COMMUNITY USE, THIS AREA OF OPEN SPACE IS NOW USED BY THE COMMUNITY AND PROVIDES MUCH NEEDED SPACE FOR CHILDREN TO PLAY.

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

ASHFORD BOROUGH COUNCIL
CIVIC CENTRE
TANNERY LANE
ASHFORD
KENT TN23 1PL

<p>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.</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 style="text-align: center;">N/A</p>
<p>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.</p>	<p>10. Supporting documentation</p> <ol style="list-style-type: none"> ① STATEMENT IN SUPPORT OF APPLICATION TO REGISTER THIS LAND AS A VILLAGE GREEN ② MAP TO SCALE OF 1:2500 SHOWING AREA OF LAND OUTLINED IN RED ③ MAP TO SCALE OF 1:10000 WITH BOUNDARY OF WASHFORD FARM WARD WITHIN KINGSNORTH PARISH COUNCIL WITH AREA OF LAND HATCHED IN RED ④ SUMMARY OF RESULTS FROM 'EVIDENCE OF USE' SURVEYS CARRIED OUT ⑤ 'EVIDENCE OF USE' SURVEYS WITH MAPS ATTACHED COMPLETED BY RESIDENTS ⑥ THREE PICTURES TAKEN FROM GOOSEBUSH SHOWING VARIOUS VIEWS OF THE LAND WHICH IS THE SUBJECT OF THIS APPLICATION.
<p>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.</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):

[Redacted signature area]

25/11/2014

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.

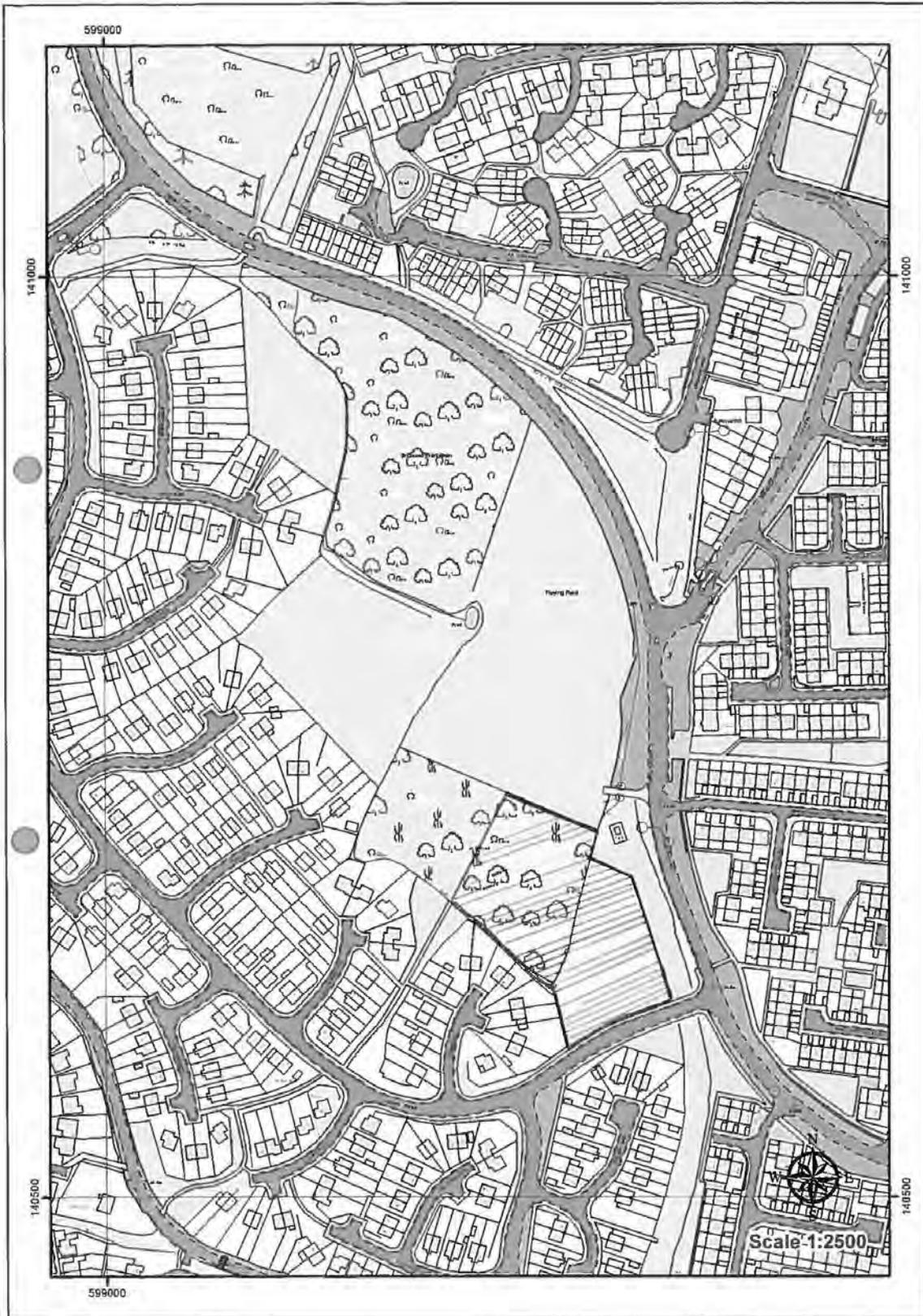
Please send your completed application form to:

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.



3

This statement is submitted in support of the application to register a small area of land on Washford Farm, Kingsnorth, Ashford, Kent as a Village Green.

This area of land is situated at the bottom of Langney Drive at the junction with Stanhope Road. We enclose maps and photographs of the area to illustrate its exact location. This area of green space is fronted by Langney Drive and has a PROW to one side. To the rear is an area known as Joys Wood. The rear gardens of properties in Bargates form the other boundary. The area is approximately 200 metres at its maximum length with a maximum depth of 150 metres. As it is an irregular shape it is difficult to measure in order to determine the exact size. Within this application we would also seek to include the area known as Joys Wood as we believe that this was left by Tilbury, the developer of the estate, for the enjoyment of the residents. It is currently not formally maintained and therefore cannot be used to its full potential by the residents as we would wish.

This area of open space has been used by residents of Washford Farm and the neighbouring area since 1979 for lawful pastimes, sport and other social activities. When Washford Farm was first built in 1979 this area of land was fenced and horses were grazed on it but soon after this the horses were moved and the fencing removed. The area has remained an open space that people have used 'as of right' ever since.

While there are no amenities such as a children's play park the area is still well used. Dog walkers can regularly be seen here and they can also access Joys Wood and the areas beyond to exercise their pets. Children and families use the area to play football and other games. There is access through Joys Wood to the playing field at Knoll Lane for more organised sports so it provides a safe access to this facility without the necessity to cross Stanhope Road twice from Washford Farm to get to the more formal playing field.

This application is being made with a view to protecting this area of land for use by the current and future residents of Washford Farm and the surrounding neighbourhood. While there are other open spaces in this area for people to use we feel that safe access to these, especially for children, is a barrier to their use by this community.

We believe that with this application and the attached Statements of Use from residents regarding use of the land we have met the relevant criteria

to apply to have this land registered as a Village Green.

**APPENDIX C:
Summary of user evidence**

Name	Address	Period of Use	Activities	How Often Used	Challenges To Use /Other Comments
Karina Wood		25 years	Walking	Daily	No challenges noted. Other people seen walking dogs and children playing.
Joanne Brown		19 years	Dog walking and playing with children	Weekly	Land use curtailed when travellers access nearby playing field. Other people seen using the land daily.
Mrs E. Gillespie		35 years	Dog walking and ball games with children	Daily but now occasionally	People seen walking dogs and noticed others playing ball games. Problem with travellers also noted.
Mrs K. Conley		19 years	Dog walking and now for exercise or playing with grandchildren	Daily but now weekly	People seen walking dogs and children playing. Also family picnics.
Mr P. Randall		3 years	Dog walking and taking child out on bike	Monthly	People walking dogs and children playing.
Mr & Mrs Luery		35 years	Playing with children and grandchild	Weekly but now occasionally	Used for dog walking, children playing, family picnics and fireworks.
Joe Annandale		24 years	Walking and jogging	Weekly	Temporary polling station put on land. Dog walking. Horses grazed on area in the 1980's.
Mrs Crudgington		25 years	Walking for leisure	Weekly but now occasionally	Daily use by people walking dogs. Children playing ball games.
Mr & Mrs Appleton		33 years	Dog walking	Daily	Dog walking, people playing football and picnics all noticed. Traveller incursion also noted.
William Marshall		30 years	Walking for leisure	Weekly	People seen walking dogs and children

**APPENDIX D:
Copies of the Land Registry title
and transfer document**

OFFICE COPY
ISSUED BY THE TUNBRIDGE WELLS DISTRICT LAND REGISTRY

H.M. LAND REGISTRY

TITLE NUMBER **K331314**
This register consists of 2 pages

A. PROPERTY REGISTER
containing the description of the registered land and the estate comprised in the Title

ADMINISTRATIVE AREA <small>(County, County Borough, etc.)</small>	PARISH OR PLACE
KENT	GREAT CHART KINGSNORM

The Freehold land shown and edged with red on the plan of the above Title filed at the Registry registered on 4 November 1960 being land at Bridewell Plantation.

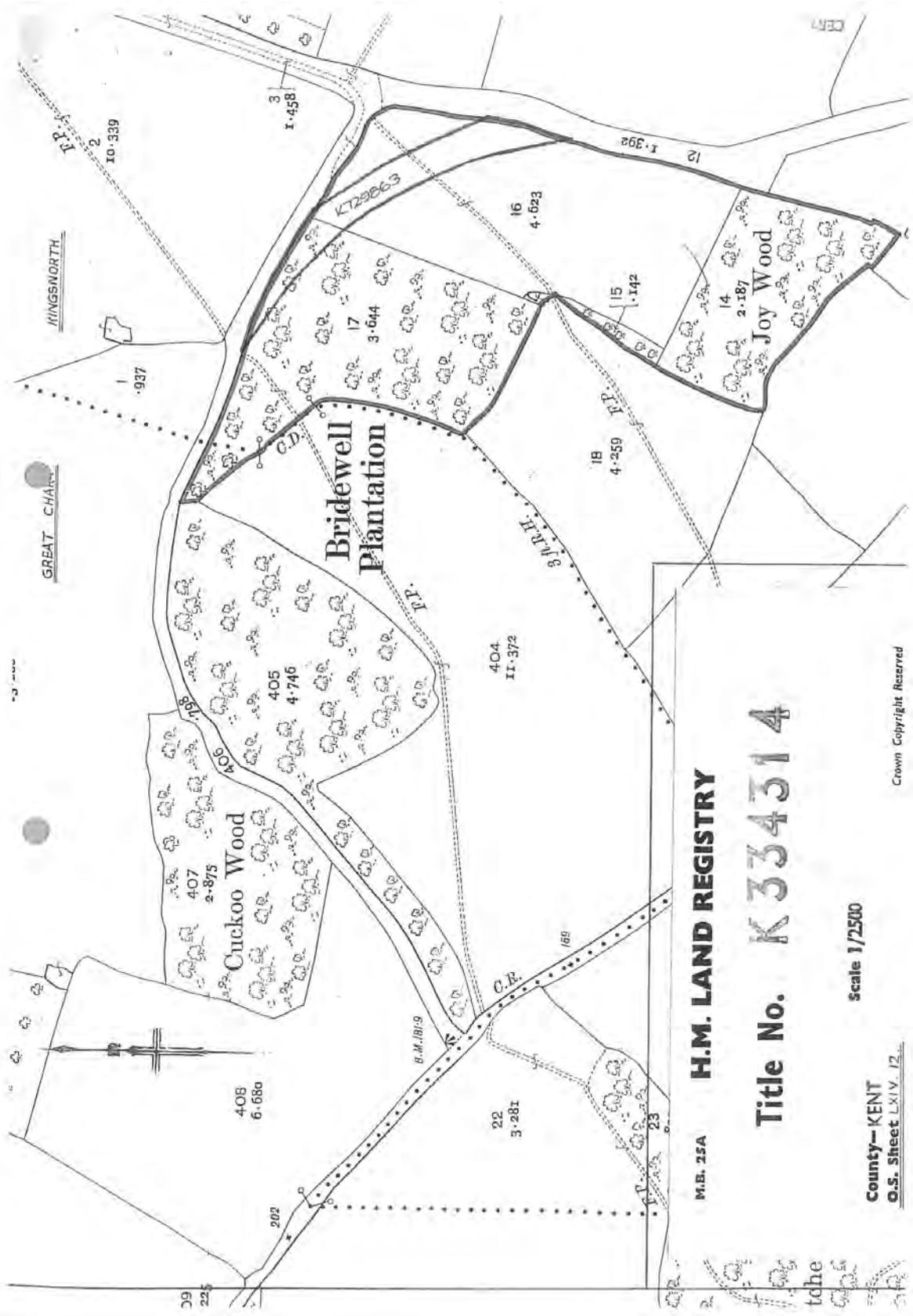
B. PROPRIETORSHIP REGISTER
stating nature of the Title, name, address and description of the proprietor of the land and any entries affecting the right of disposal thereof

TITLE ABSOLUTE

Entry number	Proprietor, etc.	Remarks
1.	WEST ASHFORD RURAL DISTRICT COUNCIL of 2 Elwick Road, Ashford, Kent registered on 11 November 1969. <i>NOTE:—The transfer to the proprietor contains a purchaser's personal covenant. (Copy of covenant in Land Certificate).</i>	Price paid 0,240 
2.	RESTRICTION registered on 11 November 1969:—Except under an order of the registrar no disposition by the proprietor of the land is to be registered unless made in accordance with the Physical Training and Recreation Act 1957 or some other Act or authority.	
3.	Proprietor now known as Ashford Borough Council and its address is Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL.	19.01.1986 SPAL 

Any entries struck through in red are no longer subsisting

ISSUED BY THE TUNBRIDGE WELLS DISTRICT LAND REGISTRY SHOWING THE SUBSISTING ENTRIES ON THE REGISTER ON 7 April 1992
UNDER 5.113 OF THE 1925 ACT THIS COPY IS ADMISSIBLE IN EVIDENCE TO THE SAME EXTENT AS THE ORIGINAL



M.B. 15A **H.M. LAND REGISTRY**

Title No. K 334314

Scale 1/2500

County—KENT
O.S. Sheet LXIV. 12.

Crown Copyright Reserved

I hereby certify this to be a true copy
of the original

Form 20

(Freehold or Leasehold)

H.M. Land Registry

Chief Executive
Ashford Borough Council

Land Registration Acts, 1925 to 1971

Stamp pursuant to section 28
of the Finance Act, 1931, to be
impressed here.

When the transfer attracts Inland Revenue duty, the stamps should be impressed
here before lodging the transfer for registration.

TRANSFER OF PART

NOT IMPOSING FRESH RESTRICTIVE COVENANTS*
(Rule 98 or 115, Land Registration Rules, 1925)

*Use form 41 when
such restrictive covenants
are imposed.

The Title number allotted to the land transferred
will on registration be officially entered opposite:

Oyes Publishing
Limited,
Oyes House,
137 Long Lane,
London E11 4PL,
a subsidiary of
The Stationery
Law Stationery Society,
Limited.

January, 1974

County, County borough } KENT - KINGSNORTH
or London borough }

Title number K378254 and K316407

Property land at Great Chart and Kingsnorth and on the north side of
the road leading from Great Chart to Kingsnorth

Date 7th November 19 86

In consideration of one peppercorn

£5000.00

(1) Strike out if not
required.

(1) the receipt whereof is hereby acknowledged

(2) Insert in BLOCK
LETTERS, full name,
postal address and descrip-
tion of the proprietor of the
land.

(2) Tilbury Homes Limited of Tilbury House Rusper Road Horsham
West Sussex RH12 4BB

(3) If desired or when
vice of the case may be
(see rules 76 and 77).

(3) as beneficial owner hereby transfers to:

(4) Insert in BLOCK
LETTERS, full name,
postal address and descrip-
tion of the transferee
for entry on the register.

(4) ASHFORD BOROUGH COUNCIL

CIVIC CENTRE

TANNERY LANE

ASHFORD

KENT

(5) For notes as to plan
see page 4.

the land shown and edged with red on the (5) plan bound up within and known as
donated open spaces at Washford Farm Estate, Ashford being part
of the land comprised in the titles above mentioned

If space is not sufficient, additional sheets may be used, provided they are securely sewn hereto; the execution and attestation should in that case be added at the end.

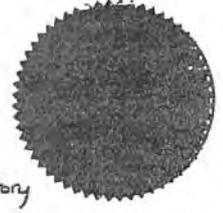
(1) If certificate of value for the purpose of the Stamp Act, 1925, and amounting to £50 is not required, this paragraph should be deleted.

(1) It is hereby certified that the transaction hereby effected does not form part of a larger transaction or series of transactions in respect of which the amount or value or aggregate amount or value of the consideration exceeds £ 30,000.

(2) For use when the transferee is a company or corporation.

(2) The common seal of TILBURY HOMES LIMITED

was hereunto affixed in the presence of



(3) Or other officer authorized by its articles of association, charter, etc. (See note.)

R. P. Payne (1) Director
Authorized Signatory

Walloo (2) Secretary
Authorized Signatory

(4) For use by individual or other person.

(4) Signed, sealed and delivered by the

said _____ } _____ Seal

in the presence of

Name _____

Address _____

Description or occupation _____

(4) Signed, sealed and delivered by the

said _____ } _____ Seal

in the presence of

Name _____

Address _____

Description or occupation _____

Note: In the case of a company or corporation, unless the transfer has been executed in accordance with section 74 (1) of the Law of Property Act, 1925, it should be accompanied by a certificate signed by the secretary or solicitor of the company or corporation that the transfer has been duly executed in accordance with the company's articles of association or the corporation's statute, charter, etc.



Kingsnorth Parish Council

Kingsnorth Recreation Centre
Field View, Ashford, Kent, TN23 3NZ
Tel: 01233 502969
Email. Kingsnorth.clerk@btconnect.com

Ms Melanie McNeir,
Public Rights of Way and Commons Registration Officer
Public Rights of Way and Access Service
Kent County Council
Invicta House
County Hall ,Maidstone
Kent ME14 1XX

Your ref PROW/MM/VGA62
15th April 2015

Dear Ms McNeir,

**Commons Act 2006- section 15
Application to register land at Washford Farm, Kingsnorth as a Village Green.**

In response to your letter of 20th March 2015 regarding the above application, Kingsnorth Parish Council have further investigated the ownership of the land involved and whether the local residents have for the past twenty years been using the land "by right" or "as of right".

Ashford Borough Council holds the land under statutory trusts for use as open public space under the Local Government (Miscellaneous Provisions) Act 1976 and local residents therefore use the open space of which it forms part, "by right" and not "as of right".

In view of the above we therefore wish to withdraw our application to register the land in Joys Wood and Langney Green as a village green.

Yours Sincerely

Len Bunn
Parish Clerk
Kingsnorth Parish Council
Kingsnorth Recreation Centre
Field View
Kingsnorth
Ashford
Kent TN23 3NZ
Tel: 01233 502969
Email: kingsnorth.clerk@btconnect.com
Web: www.kingsnorthparishcouncil.co.uk