



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Wednesday, 23rd May, 2018, at 3.30 pm
The Peter Sloper Room, Dymchurch Village
Hall, 6 Orgarswick Avenue, Dymchurch
TN29 0PA

Ask for: **Andrew Tait**
Telephone **03000 416749**

Tea/Coffee will be available 15 minutes before the meeting

Membership

Mr A H T Bowles (Chairman), Mr S C Manion (Vice-Chairman), Mr I S Chittenden,
Mr P J Homewood and Mr R A Pascoe

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Membership and Substitutes
2. Declarations of Interest by Members for items on the agenda
3. Application to register land known as the Recreation Ground at Dymchurch as a new Town or Village Green (Pages 3 - 82)
4. Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 15 May 2018

Application to register land known as Dymchurch Recreation Ground as a new Town or Village Green

A report by the PROW and Access Manager to Kent County Council's Regulation Committee Member Panel on 23 May 2018.

Recommendation: I recommend that the applicant be informed that the application to register the land known as Dymchurch Recreation Ground as a Town or Village Green has not been accepted.

Local Member: Mr. M. Whybrow (Hythe West)

Unrestricted item

Introduction

1. The County Council has received an application to register land known as Dymchurch Recreation Ground as a new Town or Village Green from Ms. D. Coker ("the applicant") on behalf of the Friends of Dymchurch Rec. The application, made on 12th May 2017 was allocated the application number VGA673. 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 2014.
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 one year prior to the date of application¹, 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 County Council must publicise the application by way of a copy of the notice on the County Council's website and by placing copies of the notice on site to provide local people with the opportunity to comment on the application. Copies of that notice must also be served on any landowner(s) (where they can be reasonably identified) as well as the relevant local authorities. The publicity must state a

¹ Reduced from two years to one year for applications made after 1st October 2013, due to the coming into effect of section 14 of the Growth and Infrastructure Act 2013.

period of at least six weeks during which objections and representations can be made.

The application site

6. The area of land subject to this application ("the application site") consists, as the name suggests, of a recreation ground of approximately 9.9 acres (4 hectares) in size situated off St. Mary's Road in the village of Dymchurch. Access to the application site is via a shared pedestrian and vehicular entrance from St. Mary's Road adjacent to the Romney, Hythe and Dymchurch railway line.
7. It is to be noted that sections of the Recreation Ground (namely the northern corner and the area along the eastern boundary of the site which includes the pavilion and abuts the Romney, Hythe and Dymchurch railway line) have been excluded from the application site at the applicant's request. The multi-user games area on the western side of the site has also been excluded by virtue of the fact that it is affected by planning consent (and is not therefore capable of registration as Village Green).
8. The application site is shown in more detail on the plan at **Appendix A**.

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 recreational use of the land by local residents for a period in excess of twenty years.
10. Included in support of the application were 47 user evidence questionnaires in support of the application. A summary of the user evidence submitted in support of the application is attached at **Appendix C**.

Consultations

11. Consultations have been carried out as required; two emails in support have been received from local residents.

Landowner

12. The application site is owned by the Dymchurch Parish Council ("the Parish Council") and is registered with the Land Registry under title numbers K448333 and K897438.
13. The Parish Council has opposed the application on the basis that it would preclude the democratic right of residents to consider an option of developing part of the site for housing in order to raise funds for improved amenities in the parish.
14. The application site was originally acquired by the Parish Council for the purpose of sport and recreation in the village and continues to be used for that purpose to this day. In 1931, a pavilion was constructed which was used by football and cricket clubs as changing rooms until 2006, when use of it ceased due to its decaying condition and the cost of adapting the building to meet current standards and legislative requirements. It has not been possible to secure

external funding for a new pavilion and the Parish Council has been in the process of consulting with local residents as to various options for raising funds for improved amenities generally. One such option is to sell part (approx. 2 acres) of the recreation ground for housing, but Village Green status would impose restrictions on the land that would ultimately preclude this. The Parish Council firmly believes that it is the parishioner's democratic right to be able to consider all available options so that they can decide what is best for the parish.

15. Whilst the Parish Council's concerns are noted, Members will be aware that Village Green applications are required be determined solely on the basis of the legal tests set out in section 15 of the Commons Act 2006 and any concerns on the grounds of amenity, suitability, desirability or future use are not issues that the County Council is able to take into account in determining the application.

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, has 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, the application site forms part of an established recreation ground and, as such, there is no suggestion that any use of the land has been with force or in secrecy. However, 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. For example, a local authority can acquire land specifically for the purposes of providing housing or constructing a new road. The mere fact that a local authority owns land therefore does not automatically mean that the local inhabitants are

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

entitled to conduct informal recreation on it. However, local authorities do also have powers to acquire land for the purposes of public recreation, such as playing fields and parks. In those cases, the land is provided specifically for the purposes of public recreation. Additionally, land is often donated or gifted to Local Authorities for the same purpose.

20. Therefore, in considering a Village Green application in relation to local authority owned land, it will therefore be important to identify the powers under which the land is held by the local authority, or the terms of any gifted or donated land: this is important because if the local authority already holds the land specifically for the purposes of public recreation, then use of the application site is generally considered to be by virtue of an existing permission and, hence, is not 'as of right'.
21. In this case, the County Council directed the Parish Council to provide further information regarding its acquisition of the application site and how and for what purpose it considers it holds the land. The Parish Clerk, in her response dated 11 December 2017 (attached to this report at Appendix D) sets out this process on behalf of her Council and she also attached photocopied evidence of extracted Parish Council Minutes and other relevant information which may be cross referenced from her letter; these formal minutes/attachments are also attached as per her letter as Appendix 1 to 10 and also attached to this report at Appendix D). The Clerk sets out that initially on the 22nd November 1927 it was reported at the parish council meeting that 6 acres of land had been offered as a gift to the parish council to be used for sport and recreation on the basis the parish council undertook future maintenance and cost of laying out the field in a condition fit for sports. In December 1927 a parish meeting was called and acceptance of the gift as a public recreation ground was agreed. The southern part of the application site was acquired by the Parish Council by way of a conveyance dated 4th March 1929 ("the 1929 conveyance"). That conveyance includes a clause specifically requiring the Parish Council "*for ever hereafter to use the said property for the purposes of a Recreation Ground*". Bye laws were introduced which are still in use today. A small additional plot of land was purchased by the Parish Council in 1934 to overcome difficulty of access to the recreation ground.
22. The 1929 conveyance also included a provision whereby the Parish Council had an option to purchase additional land in the vicinity for recreation purposes should it be required. The Parish Council appear to have taken forward that option and a further piece of land (currently registered with Land Registry under title number K448333) was purchased to provide greater space for sports and recreation. Parish minutes of July 1975 have been supplied to this effect by the Clerk. The Clerk also asserts the view that the purchase was made to specifically provide recreation facilities for residents so that any use would have been 'by right' and not 'as of right'.
23. Thus, it is clear from these minutes and other attachments that the application site was originally acquired by the Parish Council specifically for the purposes of public recreation; whilst not specifically mentioned, this was probably either under the Public Health Act 1875 or under the Open Spaces Act 1906 as the Physical Training and Recreation Act of 1937 would not have been available to the Council at the time of acquisition.

24. The application site continues to be provided by the Parish Council as a recreation ground, and used as such by local residents, and there is nothing to suggest that it is no longer held by the Council for such purposes. The applicant has been given the opportunity to address these further points raised by the Parish Council. Her letter is attached to this report as Appendix E. Whilst the applicant raises several points, there is however nothing within that letter which is germane to the tests of registration currently before Members.
25. In *Beresford*³, the House of Lords considered the effect of local authority ownership on an application to register land as a Town or Village Green and Lord Walker said this: *"where land is vested in a local authority on a statutory trust under section 10 of the Open Spaces Act 1906, inhabitants of the locality are beneficiaries of a statutory trust of a public nature, and it would be very difficult to regard those who use the park or other open space as trespassers... the position would be the same if there were no statutory trust in the strictest sense, but land had been appropriated for the purpose of public recreation"*.
26. More recently, in *Barkas*⁴, the High Court considered the effect of land that was laid out as a recreation ground by a local authority under section 80 of the Housing Act 1936. The judge held that the local authority had a power to provide a recreation ground and, if it did so, the public were legally entitled to use the land; it would be absurd to regard the public as trespassers on the recreation ground under those circumstances.
27. In this case, there is little doubt that the application site was originally acquired, and indeed continues to be held, by the Parish Council specifically for the purposes of public recreation. Therefore, any recreational use of the land as has taken place has been 'by right' and not 'as of right'.

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

28. 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.
29. The summary of evidence of use by local residents at Appendix C shows the activities claimed to have taken place on the application site. These include dog walking, kite flying, ball games, picnics and jogging.
30. As such, it would appear that the land has been used for a range of recreational activities.

³ *R(Beresford) v Sunderland City Council* [2003] UKHL 60 at paragraph 87

⁴ *R (Barkas) v North Yorkshire County Council* [2011] EWHC 3653 (Admin)

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

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

31. The right to use a Town or Village Green is restricted to the inhabitants of a locality, or of a neighbourhood within a locality, and it is therefore important to be able to define this area with a degree of accuracy so that the group of people to whom the recreational rights are attached can be identified.

32. The definition of 'locality' for the purposes of a Town or Village Green application has been the subject of much debate in the Courts. In the *Cheltenham Builders*⁶ case, it was considered that '*...at the very least, Parliament required the users of the land to be the inhabitants of somewhere that could sensibly be described as a locality... there has to be, in my judgement, a sufficiently cohesive entity which is capable of definition*'. The judge later went on to suggest that this might mean that locality should normally constitute '*some legally recognised administrative division of the county*'.

33. In this case, the applicant has not stated on the application form the locality relied upon in support of the application, and no map is attached showing that locality.

34. In light of the other issues arising in this case, it is not necessary to consider this point in detail but it would not be unreasonable to assume that the relevant locality in this case was the civil parish of Dymchurch. Indeed, the land is provided by the local Parish Council for its residents and the user evidence questionnaires all come from residents of the parish.

"a significant number"

35. 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.

36. In this case, the evidence of use summarised at **Appendix C** indicates that the land has been in regular usage for recreational purposes. Eleven of the users attest to having used the land on a daily basis, with several others (including those whose properties overlook the land) referring to having observed use by others on a daily basis. Statements such as 'there was always someone else there when we visited' appear on a number of occasions within the user evidence questionnaires and the general impression from the evidence as a whole is that the land has been used in a manner entirely consistent with its status as a recreation ground.

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

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

37. As such, there is little doubt that the land has been used by a significant number of the residents of Dymchurch.

(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?

38. 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.

39. 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?

40. 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 2017. The relevant twenty-year period ("the material period") is calculated retrospectively from this date and is therefore 1997 to 2017.

41. The user evidence submitted in support of the application (and summarised at **Appendix C**) demonstrates that use of the application site has taken place in excess of the required twenty-year period. Accordingly, this test is also met.

Conclusion

42. In order for the application to succeed, all five of the legal tests set out above must be met; if one test fails, then the application as whole falls to be rejected.

43. There appears to be no dispute between the parties that the application site has been used for recreational purposes, without challenge, for a period in excess of twenty years continuing until (and beyond) the date of the application.

44. However, the crux of the matter is whether that use amounted to trespass by local residents (i.e. 'as of right') or whether it took place in exercise of an established right (i.e. 'by right'); the distinction between the two is critical to the success or otherwise of the Village Green application. In this case, the evidence, very clearly suggests that the application site has always been provided for recreational use by the landowner and that residents have, in turn, exercised such use 'by right'.

45. That being the case, regardless of whether any, or even all, of the other relevant tests are met, the fact that the application site appears to be held for the purposes of public recreation presents a knock-out blow to the possibility of the County Council registering the land as a Town or Village Green.

Recommendation

46.1 recommend that the applicant be informed that the application to register the land known as Dymchurch Recreation Ground as a Town or Village Green has not been accepted.

Accountable Officer:

Mr. Graham Rusling – Tel: 03000 413449 or Email: graham.rusling@kent.gov.uk

Case Officer:

Mr. Chris Wade – Tel: 03000 413421 or Email: chris.wade@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

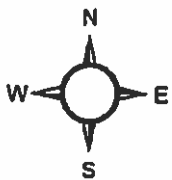
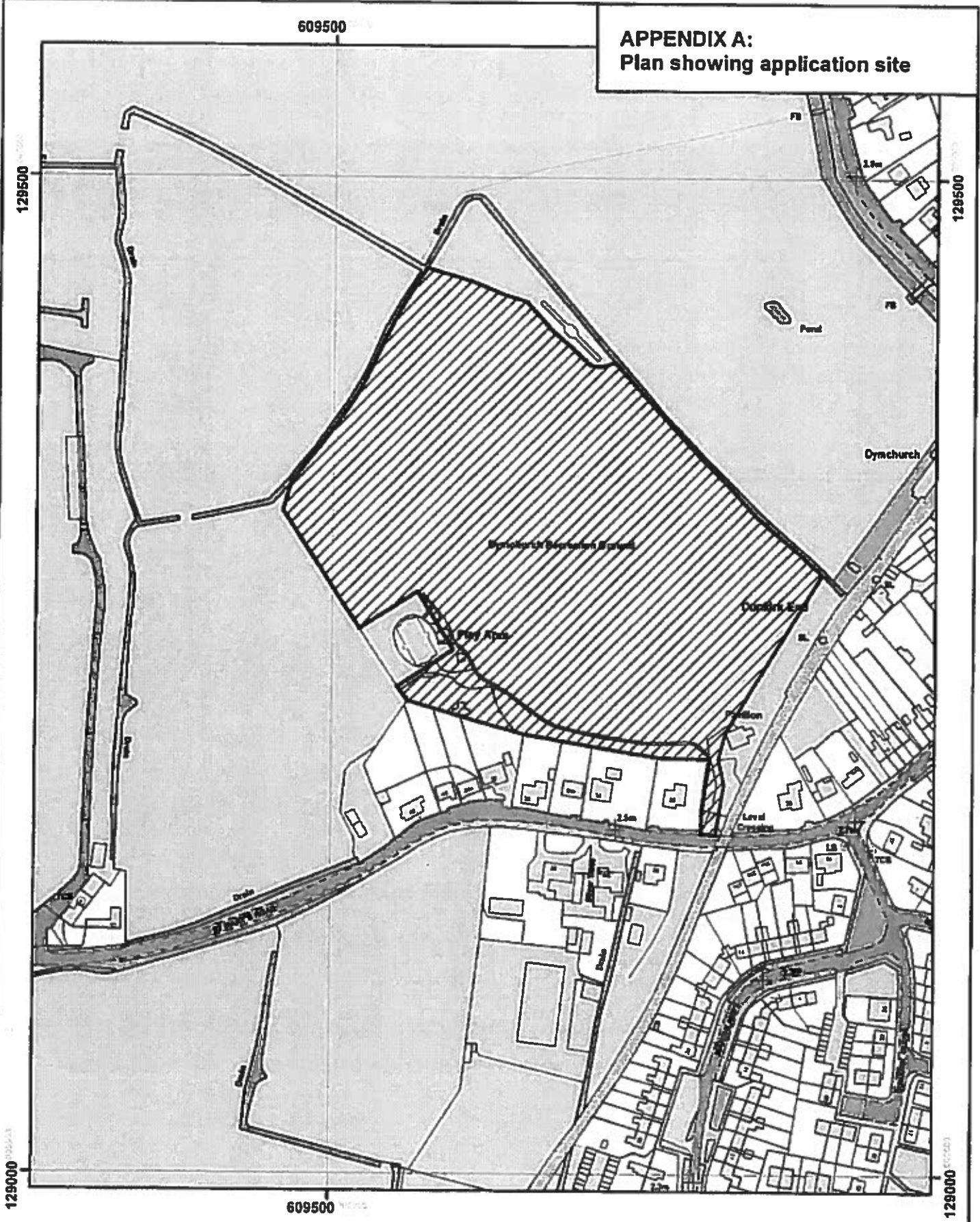
APPENDIX B – Copy of application form

APPENDIX C – Table summarising user evidence

APPENDIX D - Letter from Dymchurch Parish Clerk dated 11 December 2017 and her attached Copy extracts of relevant Parish Council Minutes etc.

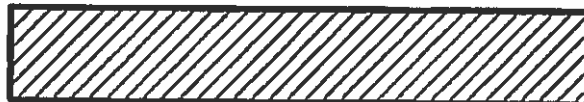
APPENDIX E - Response to the Parish Clerk's letter by the applicant.

APPENDIX A:
Plan showing application site



Scale 1:2500

**Land subject to Village Green application,
known as Dymchurch Recreation Ground**



Commons Act 2006: section 15

Application for the registration of a town or village green

This section is for office use only

Official stamp

<p>COMMONS ACT 2006 KENT COUNTY COUNCIL REGISTRATION AUTHORITY 12 MAY 2017</p>
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Application number

VGA673

VG number allocated at registration

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Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

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

Note 1
Insert name of commons registration authority.

1. Commons Registration Authority

To the:

KENT COUNTY COUNCIL

Tick the box to confirm that you have enclosed the appropriate fee for this application:



Note 2

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. 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 box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Note 3

This box 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, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

2. Name and address of the applicant

Name:

DEWA COKER

Postal address:

1 MILL ROAD, DYMCHURCH
(on behalf of FRIENDS OF DYMCHURCH REC)

Postcode TN29 0N7

Telephone number:

Fax number:

E-mail address:

3. Name and address of representative, if any

Name:

Firm:

Postal address:

Postcode

Telephone number:

Fax number:

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 9 or 10 to the Commons Registration (England) Regulations 2014. 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.

Note 5

This box is to identify the new green. The accompanying Ordnance map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland, and show the land by means of distinctive colouring within an accurately identified boundary. State the Land Registry title number where if known.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land tick the following box and move to box 5:

If the application is made under section 15(1) of the Act, 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:

If section 15(3) applies indicate the date on which you consider that use as of right ended:

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:

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which the land usually known:

DYMCHURCH RECREATION GROUND

Location:

DYMCHURCH

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

Tick the box to confirm that you have attached an Ordnance map of the land:

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 an Ordnance map should be provided on which a locality or neighbourhood is marked clearly at a scale of 1:10,560.

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(B).

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(B).

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

Show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching an Ordnance map on which the area is clearly marked:

Tick here if a map is attached:



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

TO SAFEGUARD THE AREA FOR FUTURE
COMMUNITY ACCESS AND RECREATION
WITNESS STATEMENTS ATTACHED

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

DITCHURCH PARISH COUNCIL

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 (e.g. 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

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

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 an unincorporated association.

12. Signature

Date:

12th may 2017

Signatures:



REMINDER TO APPLICANT

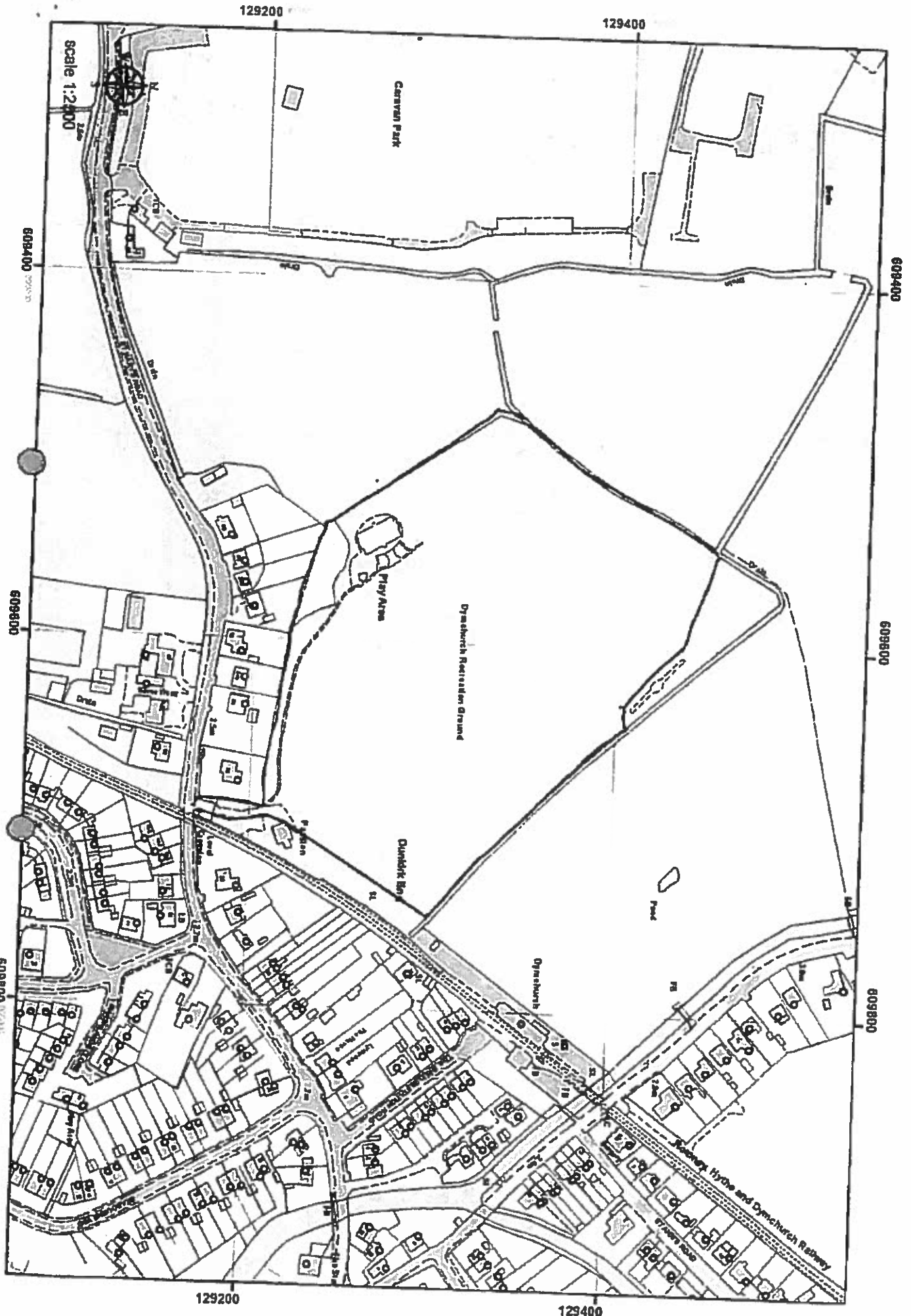
You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.

You are advised to keep a copy of the application and all associated documentation.

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 or the Freedom of Information Act 2000.



**APPENDIX C:
User evidence summary**

Name	Period of use	Frequency of use	Type of use	Comments
Ms. P. ANDREWS	1947 – present	Daily	Dog walking, children's playground	
Mr. and Mrs. J. ASTLEY	1997 – present	Daily and weekly	Play park, ball games, running, rounders, fete, picnics, dog walking, football, tennis	The recreation ground is important to the whole community, young and old, bringing everyone together.
Mr. and Mrs. AYRES	1977 – present	Daily	Watching cricket and football, picnics, playing with children, walking, jogging, attending events	Used until very recently for local football and cricket. Observed use by others on a daily basis. The recreation ground was gifted to the people of Dymchurch for the recreation of the people of Dymchurch.
Mr. K. BOORMAN	1969 – present	Monthly	Football, cricket, children's playground	Played football and cricket on the land on most Saturdays of 20 years.
Mr. G. BRADFORD	1969 – present	Daily	Children's recreation (e.g. football, cricket, tennis, kite flying, swings), watching football and cricket	Land is used daily and was until recently used for village football and cricket. It was part gifted to the village and part acquired by the Parish Council.
Mr. and Mrs. BUCKNER	1982 – present	Three times daily	Dog walking, playing with children	Observed use by others on a daily basis
Ms. C. COKER	1985 – present	Occasionally	Tennis club, play equipment, attending fete	Used more in younger days. Always some people using the land.
Ms. D. COKER	1960 – present	Weekly	Walking, playing with children, watching football/cricket matches, attending local events	The land has been used by many families and generations dating back to the 1920s and should be preserved for generations to come. Observed use by others on a daily/weekly basis.
Mr. R. COOMBS	2003 – 2013	Occasionally	Dog walking	Observed use by others on a daily basis for dog walking
Ms. J. COZENS	1980 – present	Weekly	Dog walking, cricket, walking, play park, football.	Moved away from Dymchurch in 2013 – no longer resident of locality.
Mr. M. COZENS	1992 – present	Weekly	Football, golf, cricket, tennis, swing park, dog walking, local events	Moved away from Dymchurch in 2015 – no longer resident of locality.
Mrs. A. DABURN	2003 – present	Daily but not occasionally	Dog walking, socializing, events	Observed use by others on a daily basis. Dymchurch Parish Council was gifted the land some years ago for recreation.
Mr. K. DABURN	2003 – present	Daily	Dog walking, socializing, visiting play area, attending events, watching football	Observed use by others on a daily basis.
Mrs. S. DODD	1976 – present	Occasionally	Watched cricket, played rounders, walking, fetes, dog walking	
Mr. W. DODD	1976 – present	Occasionally	Watched cricket, played rounders, play park, walking, dog walking	Observed use by others on a daily basis
Ms. S. DODDS-COOK	1986 – present	Variable	Rounders, football, cricket, picnics, dog walking, attending events, using tennis courts and basketball courts	Used weekly 1986 – 1997, then quarterly until 2013, minimum monthly thereafter. Have seen others every time I visited. There is no other open space of this size with a pavilion.
Mr. Cl. DUDLEY	1978 – present	Monthly	Ball games, picnics, play park, dog walking	Used more regularly when young or in summer months with children. Drive past most days and people seem to be there.
Mr. Co. DUDLEY	1995 – present	Monthly	Ball games, picnics, dog walking, water fights, general games, cycling, skateboarding	Used almost daily as a child. Never known a time when the land is empty or not is use by someone.

Ms. J. DUDLEY	1978 – present	Monthly	Dog walking, football, picnics, play park, attending events	
Mr. O. DUDLEY	1998 – present	Monthly	Ball games, play park, skateboarding, walking, meeting friends	Always been other people using it when I have visited.
Ms. B. FISHER	1960 – present	Occasionally	Walking, dog walking, attending events	Observed use by others on a daily basis.
Ms. L. FORD	1985 – present	Weekly	Dog walking, events, children's play area	Observed use by others on a daily basis throughout the day.
FORDE/JAY	1972 – present	Weekly	Children's picnics, rounders	
Ms. N. FULLER	1979 – present	Weekly	Watched football, cricket, attended fetes/boot fairs, rounders, dog walking, play park.	Observed use by others on a daily basis
Ms. J. HAMBROOK	1955 – present	Occasionally	Play equipment, playing football, cricket, tennis, attending events, watching cricket, dog walking	Previously used the land weekly/daily as a child but now only occasionally. It is important to retain this space for the community as many areas have been built on in recent years.
Mr. A. HILL	1997 – present	Daily	Playing with children, football with club and friends, dog walking.	Observed use by others on a daily basis.
Mr. R. HUGHES	2004 – present	Occasionally	Attending functions, taking children to play park, watching cricket and football	Seen others there on all occasions I have visited.
Ms. A. HUNT	1990 – present	Weekly	Dog walking, play park, skate park, tennis	Moved out of Dymchurch in March 2016 – no longer resident of locality.
Ms. S. HUXLEY	1979 – present	Monthly	Playing with children, fetes	
Ms. D. INSTANCE	1999 – present	Daily	Cricket, football, rounders, kite flying, picnics, dog walking, jogging, use of play park	Observed use by others on a daily basis
Mr. A. JONES	2000 – present	Daily	Dog walking (twice daily), regular visits to children play area.	Observed use by others for dog walking.
Mr. P. JONES	1977 – present	Weekly	Dog walking, play park, football, attending events	Have observed use by others whenever I have been there.
Mrs. S. JONES	1971 – present	Daily/weekly	Dog walking, local events, train watching, play area, tennis, ball games, picnics, watching cricket and football	House overlooks the recreation ground – observed use on daily basis. It is the only large open area in the village and is well used by all ages.
Mr. and Mrs. G. O'BRIEN	1957 – present	Daily, now weekly	Nature trails, playing with children, play park	Observed use by others on every visit.
Mrs. M. O'BRIEN	1951 – present	Weekly	Play area, picnics, nature activities, ball games	Submitted on behalf of Dymchurch Scout Group. Have seen others using the land on every visit.
Mr. F. PATON	1970 – present	Daily	Football, cricket, dog walking, events	Observed use by others daily.
Mr. P. PETTIFER	1988 – present	Occasionally	Watching tennis, attending fetes, taking children to play park	Did not use the land between 2002 and 2008, moved out of Dymchurch in 2013.
Mr. R. PIPER	1955 – present	Sometimes weekly	Children's play equipment, football, ball games, walking	The land is owned by the Parish Council and was acquired by the parish for the people. Observed use by others on a daily basis.

Mr. A. PRESTON	1971 – present	Weekly	Football (training and matches), cricket, dog walking, kite flying, picnics, rounders, tennis, running, fetes	A notice is on Dymchurch sea wall providing information on how to get to the land to use the play equipment there. Observed use on a daily basis. Used to hire the land for football training and matches.
Mr. D. TAYLOR	1988 – present	Weekly	Children's play area, tennis courts, cricket, events	Observed use by others on a daily basis.
Mrs. J. TAYLOR	1988 – present	Weekly	Children's playground, tennis, cricket, events	Observed use by others on a daily basis
Mr. J. UNDERWOOD	2014 – present	Daily	Children's football, dog walking	Observed use by others on a daily basis
Mrs. M. UNDERWOOD	2014 – present	Daily	Children's football, dog walking	Observed use by others on a daily basis
Mrs. K. WALKER	1985 - ?	Occasionally	Attending fetes	Have always believed it belonged to the people of Dymchurch.
Mr. J. WILLIAMS	2011 – present	Occasionally	Walking, exercise, occasional village activities	Site is the only open space with the village apart from the beach.
Mr. B. WRAIGHT	1954 – present	Monthly	Cricket, football, play area, general walking	Observed use by others on daily basis.
Mr. M. WRIGHT	1997 – present	Monthly	Playing with children, basketball, football, dog walking	Does not live in Dymchurch – visited during caravan season as a child.
Ms. K. WRIGHT	1983 – present	Monthly	Play park, playing football and games, basketball, dog walking	Does not live in Dymchurch

APPENDIX D:

Letter from Dymchurch Parish clerk dated 11 December 2017 and attached copy extracts of relevant Parish Council Minutes etc.



DYMCHURCH PARISH COUNCIL
13 ORGARSWICK AVENUE, DYMCHURCH, KENT, TN29 0SQ

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dymchurchparishcouncil@btconnect.com

www.dymchurch.org

Mr C. Wade
 Public Protection
 Kent County Council
 Invicta House
 County Hall
 Maidstone
 Kent, ME14 1XX

Ref:PROW/VGA673

11th December, 2017

Dear Mr Wade,

Commons Act 2006: Section 15**Application to register land known as Dymchurch Recreation Ground as a Village Green.**

Further to Mrs McNeir's letter dated 9th October, 2017, and our subsequent telephone conversation, I am now in a position to respond with clarification on the matters raised in the letter and I would like to take this opportunity to thank you for extending the time frame for a response.

Whilst I am unable to provide details of the legal powers that were exercised to introduce a recreation ground, I have been able to research and provide evidence on how the ground was acquired and its use.

On November 22, 1927, It was reported at the parish council meeting that 6 acres of land had been offered as a gift to the parish council to be used for sport and recreation in the village, on the understanding that the parish council undertook the future maintenance and cost of laying out the field in a condition fit for sports. (See Appendix 1).

13th December, 1927: A parish meeting was called and acceptance of the gift as a public recreation ground was agreed. It should be mentioned here, that the cost of maintaining a recreation ground was contentious and subsequently led to costs being referred to in the 1929 conveyance at the Second Schedule (c) *to use the council's utmost endeavours to secure that the property shall be so administered as*

to be self-supporting. (I shall refer to this point later in the communication).
(Appendix 2 and 1929 conveyance).

25th September 1928: A group named 'the playing field committee' formally offered the land to the parish council subject to approval of the terms of the conveyance (Appendix 3).

4th March, 1929: The conveyance was signed and completed. Since 4th March 1929, Dymchurch recreation ground has been open 24 x 7 to sports clubs and members of the public to use the land 'by right'. Bye laws were introduced and I attach a copy of the original bye-laws which are still used today. (Appendix 4).

25 July, 1933: Minutes refer to a small plot of land being purchased (the 1934 conveyance refers) to provide improved public access to the recreation ground. (Appendix 5).

22 August, 1933: Minutes make reference to difficult situations arising regarding access to the recreation ground (Appendix 5 & 6).

1 March 1937: Concern expressed over the cost of maintaining the recreation ground. (Appendix 7).

13th September, 1976: The Parish Council purchased additional land to extend the recreation ground. Additional land provided greater space for sports and recreation. The public have been granted access to this land 'by right' since its purchase. A loan was taken out via the Public Works Loan Board for the purchase. Title no. K448333 refers. (Appendix 8).

Background information:

In 1929, the recreation immediately became the home ground of Dymchurch Cricket Club and I have copied an extract from their centenary book '100 Not Out' that identifies the recreation ground being available for sport and recreation and the terms and conditions that a pavilion was agreed upon.

As mentioned before, the cost of maintaining the recreation ground was a concern and as such reference is made in the 1929 conveyance that *the council use its utmost endeavours to ensure the ground shall be so administered as to be self-supporting.* It is also clearly documented, in Dymchurch Cricket Club Memoirs '100 not out' that the pavilion was not to be a burden on the rate-payer. (Appendix 9).

Dymchurch recreation ground has attracted in the past, cricket clubs, football clubs, hockey club, bowls club, tennis club and numerous sporting events. It has always been open to members of the public and some six years ago new play equipment was installed, courtesy of Roger de Haan Charitable Trust, at a cost in excess of £120,000.

In 2015 Newchurch football club ceased to operate and The Ocean Football Club ceased a year before. In 2016 Dymchurch Cricket Club vacated the recreation ground and pavilion and merged with another cricket club on Romney Marsh. There have been no clubs or teams using the recreation ground since this date.

The parish council has tried several times to obtain funding for a new pavilion and has been unsuccessful. (I will address this in more detail later in the communication.) The parish council is now tasked with addressing what to do with a decaying structure of a pavilion that was built nearly 90 years ago and has lacked investment over the years. Also the recreation ground lacks use largely because the neighbouring town of New Romney has much improved facilities and is being made into a 'hub' for sport and activities on Romney Marsh and is attracting vast investment from national funding bodies.

The parish council has other assets and acquisitions in the village; a car park and council offices, both have lacked investment in the past and these together with the recreation ground and pavilion require parishioner consultation. The parish council has been carrying out feasibility studies on what could be achieved at all its sites and parishioner consultation in the form of an options report will be delivered to all households to ask for their views and how they wish the parish council to act. The options report is due to be hand-delivered in the New Year and the outcome will be announced at the next annual parish meeting that will be held between 31st March – 1st June 2018.

One of the feasibility studies has involved making contact with the local planning authority and Kent Highways to seek their views on the possibility of small housing developments at the recreation ground (approx. 2 acres) and car park (approx. half acre) and to obtain land values. With regard to the recreation ground land value has been identified at a seven-figure sum, which would clearly provide for improved facilities at the recreation ground and within the village. Development at the car park is less attractive. Parishioners will be informed of these options, in the options report, and it will be for parishioners to inform the council if these are favourable options or not.

The parish council has no pre-determined view on any option, it will be guided by its parishioner's views. It is not in the parish council's interest to act against the wishes of its parishioners, but it has a duty to provide them with viable options to consider, particularly as the recreation ground was specifically acquired with the understanding it would be self-supporting and the pavilion must not be a burden to the rate-payer.

Regardless of the outcome of the consultation on the options report, whether the recreation ground remains at 11.5 acres or is reduced in size to 9 acres, it will remain open to the public, by right.

I hope the above has clarified how the recreation ground was acquired and that members of the public have use of the land 'by right' and will continue to do so.

I would like to apologise for the condition of the appendices, but you will appreciate minutes were once hand-written and some minutes are held in a locked folder and without the key, it has been difficult to photocopy the documents.

Applicants Response:

With regards to Mrs Coker's response, there are some issues that should be clarified:-

- 1) The recreation ground was gifted to the parish council in 1929 and was taken on under the condition it would be so administered as to be self-supporting (as identified in Schedule 2 (c) of the 1929 conveyance). The recreation ground has never been self-supporting and the parish council has been researching options that could make it viable and will put these options to parishioners for consideration.
- 2) The pavilion was built also on the understanding it would not be a burden to the rate-payer (as identified in Dymchurch Cricket Club's memoirs). For this reason the cricket club undertook general maintenance, but the cricket club has now vacated the pavilion and the parish council has been left with a decaying structure. Subsequently, parishioners will be asked how they wish the parish council to act on this situation.
- 3) The parish council engaged a professional bid writer in 2013 to write a business plan, development brief and make applications to funding bodies. (See Appendix 10). Applications were made to Kent County Cricket Board, Kent FA, SDC, Roger de Haan, Sport England/Big Lottery. The bids were not successful but the amounts applied for are identified at Appendix 11. The quote to repair the pavilion mentioned in Mrs Coker's letter was part of the evidence needed to accompany our bidding documentation. There is also evidence on file that a Dymchurch Sports Association was formed in 1996 (Appendix 12) with the main objective to apply for grants and other funding, specifically from the National Lottery to totally upgrade and provide new facilities at the recreation ground, but the application was not successful.
- 4) With regards to the survey Mrs Coker initiated, the council can give no credence to the results. Only two people who responded had the courtesy to provide their names and addresses that can be cross-referenced with the Electoral Register to identify they are parishioners. One person being Terry Preston, (former chairman of the parish council) and Mrs Holmes, (former clerk to the parish council). Both parishioners addressed the financial implications of introducing the 'wish list of facilities' listed in the survey.

The comments raised by both Mr Preston and Mrs Holmes actually takes this matter full-circle to 1929 and the financial implications of the recreation ground that must be self-supporting and pavilion that must not be a burden to the rate-payer. Lack of investment over the years, is the sole reason the parish council is now looking at viable options to provide improved facilities.

With regards to the other responses Mrs Coker has supplied, they could have been completed by anyone and from anywhere particularly those received via social media. The future of the recreation ground, pavilion and indeed, car park and council offices, are a parish matter and unless comments can be cross-referenced with the Electoral Register to identify they have been completed by rate-payers, the parish council is unable to accept the content.

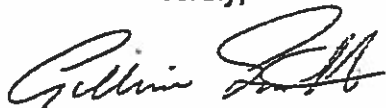
The parish council is an elected body, with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them. There are approximately 4000 residents in the parish and once the parish council has consulted with all its parishioners, via an options paper, and it is satisfied all households have had the opportunity to comment on all parish council assets and acquisitions, the council will act in accordance to parishioner's wishes.

At the parish council's Asset and Amenities working group meeting on 16th June 2016 it was agreed that the parish council should deliver a ten-year plan for improvements in the village. The projects identified are; improvements to the parish council car park within three years, the council offices within five years, and the recreation ground within ten years. The parish council is satisfied it is on target for working towards these timescales.

I hope I have been able to clarify the points raised in Mrs McNeir's letter and indeed Mrs Coker's, but if there are any further matters that require further clarification, please do not hesitate to contact me.

Kind regards

Yours sincerely,



Gillian H. Smith
Clerk to Dymchurch Parish Council

Enc.

To appoint a small committee to meet Mr Brown & discuss the matter, which shall be referred back to the Council. Messrs Hodgson, Brightman & Young were nominated on the Com^{tee}

J. Hodgson Chairman

Nov 22nd 1927

Council meeting held this evening pursuant to notice

Present Mr Hodgson Chairman, Messrs Brightman Broadly Mr Wright C. A. Wright, A. Gearing & E. W. Young
The minutes of the last meeting were read & confirmed

It was proposed by Mr Brightman sec^d by Mr Young that the Rating representatives Messrs Morris Wright & C. A. Wright be appointed for a period of 3 years from April 1927 carried unanimously

Road Signs The Chairman reported that nothing had resulted in this matter

Schools It was resolved that Mr Hodgson be manager & appointed representatives School manager for 3 yrs ending 30 June 1930

R.C.C. The letter of the 26th July re Advertisement Regulation Act was read & it was decided to report to the R.C.C. any contravention of the act.

Special The order of the Ministry of Health dated 23 May 1927.

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Recreation Ground

The Chairman informed the meeting that a field of 6 acres had been offered ^{as a gift} to the village for a Recreation Ground on the understanding that the Parish Council undertake the maintenance

The Council considered the cost of laying out & maintaining the field in a condition fit for sports & estimated that £300 would be required in 1st yr. The meeting was adjourned to Tuesday next to meet the representatives of the Donors of the field time 7^{pm} - 6-30^{pm}

The adjourned meeting of the Council was held on Tuesday Nov 29th at 6³⁰pm when the members of the Parish Council met the following gentlemen as representing the Donors: Major Crabbe Messrs R. B. Jones Harold Brown, P. W. Gordon Gearing & Mr. Upton.

Major Crabbe for the Donors stated that the field would be handed over to the Parish Council in as level a condition as possible by the expenditure of £103.

After some discussion it was decided to call a Parish meeting for Tuesday December 13th for this purpose of: -

To ascertain whether the Parish is in agreement with the Parish Council in accepting the gift of a field as a Public Recreation ground

J. Hodgson Chairman

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Dec. 13th 1927

Parish meeting convened for 7 o'clock this evening for the following purpose: -
"To ascertain if the Parish is in agreement with the Parish Council in accepting the gift of a field as a Public Recreation ground. Mr Goodright proposed that the gift of the field be not accepted. This was seconded by R.C. Trice Jun.

Also an amendment it was proposed by Mr Devere Secy by Mr J.H. Young that as the Parish Council have guaranteed not to put ~~any~~ on the Rates any expenses in connection with this playing field the same ~~shall~~ ^{should} be accepted by the Council.

For the amendment - 15
against " 20
For the resolution 18
against " 11.

As there was no other business the meeting was closed.

Chairman
J. Stephens

1d Rate
and 1/2 pence
of 1927

3d
1
2
4

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12th March 1928

Parish meeting duly convened by notice published on Saturday March 3rd for the purpose of Electing Parish Councillors

The following accounts were passed for payment:
James Peper, Treas 12 8
Gentry 5
L. J. Jones 4 3
Broadly, Secy 13 3

The Chair was occupied by Mr N.F. Devere on the proposition of Mr Broadly secy by Mr Trice. It carried unanimously.

The following nomination paper were handed in: -

		Votes received		
1	Loaysa Jaisky	7	25	Present
2	Broadly Secy	-	15	Present
3	Trice N. Secy	3	53	Present
4	Stephens Maurice Aug.	4	52	Present
5	Genney Arthur Jas	1	51	Present
6	Chorris Wright	2	55	Present
7	Brightman J. S.	6	30	Present
8	Wright Cecil Ambrose	5	52	Present

The Chairman then declared that with the exception of Mr Broadly the candidates as marked above were duly elected.

M. H. Stephens
Chairman
Mar. 11/28

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Dymchurch. Sept. 25/28.

A meeting of the Parish Council was held in the Schools on the 24th inst. having been duly convened by notice. Present Capt. M.H. Stephens (Chair) Messrs C.A. Wright, A. Gearing, Brightman & M. Wright.

Present

Playing Field

A deputation from the Playing Field Committee (Messrs R.S. Jones, H. Brown & Maj. Krabbe) was received. Mr. R.S. Jones (spokesman) stated that the Committee wished to hand over the Playing Field to the Parish Council as a free gift to the Parish, the only condition being that it must always be used solely as a recreation ground and that the Council's Recreation Ground Committee should co-opt 4 members, other than Councillors, preferably nominees of the Cricket & Football Clubs, School ~~Sports~~ Authorities etc.

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The field consisted of 6 acres, with a 21 years option on a further 5 1/2 acres. The property would be conveyed to the Parish Council free of all cost together with a cash balance of over £10; a roller, motor mowers, netting etc for fences, and any further sums received by the Committee would also be handed over to the Council.

Mr. Jones further explained that if the Property was vested in the Parish Council it would greatly facilitate getting a grant from the Carnegie Trust & that he had already been in correspondence with the Playing Fields Assn. with this object in view, which correspondence he handed to the Chairman.

The Chairman stated that at the Parish Council Election last March he understood all

expenses on rates

of the property was to come from the rates and on this distinct understanding, he personally, and he thought the other members of the Council, would be whole-heartedly in favour of taking over the field.

The deputation was thanked, on behalf of the Village and Parish, for their Committee's most generous offer and were advised that the Council's decision would be duly conveyed to Mr. Jones as their representative. Upon the deputation's withdrawal the matter was fully discussed.

It was proposed by Mr. Gearing, seconded by Mrs C. Wright that the Chairman write to Mr. Jones and, after thanking the Playing Field Committee for their most generous gift to the Parish, to accept it on behalf of the Parish Council, subject to the Council's approval of the terms of the conveyance.

Carried.

M. H. Stephens
Chairman.

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Romney Marsh Rural District Council

CLERK OF THE COUNCIL
FRANK SHAW
A.I.M.T.A., D.M.A., F.R.V.A.
CHARTERED MUNICIPAL TREASURER

ENGINEER & SURVEYOR
L. COOPER
C. ENG., A.M.I.MUN.E., F.R.S.H.
CHARTERED MUNICIPAL ENGINEER

PUBLIC HEALTH INSPECTOR
J. J. McNEILL
M.A.P.H.I., M.R.S.H.

RATING OFFICER
C. C. CONNOR

TREASURER
J. CLARKSON, D.M.A.



*Council Offices,
"Prescott,"
Polfie Lane,
New Romney,
Kent.*

TELEPHONE: NEW ROMNEY 3291-2

YOUR REF.

OUR REF. FS/MA/ 03.02.03.

2nd April, 1969.

Mr. B. Castle,
Clerk of Dymchurch Parish Council,
32, Orgarswick Avenue,
Dymchurch,
Kent.

Dear Mr. Castle,

Byelaws

I am now informed by the Home Office that the proper local authority to make byelaws in respect of recreation grounds is the appropriate parish councils, unless the Rural District Council have any interest, estate or control of the recreation grounds which in the case of Dymchurch we do not. The byelaws as made by the Parish Council can be made under either section 8 (1)(d) of the Local Government Act 1894 or section 15 of the Open Spaces Act 1906. The byelaws should apply to a specifically named ground or grounds and the Parish Council should, in the preamble to the byelaws, name the statute (see above) under which they are made.

I am attaching a 3 page memorandum from the Home Office on the procedure to be applied by parish councils in making these byelaws, together with a copy of the byelaws we submitted, for your information. If you require any help from the Home Office their address is Whitehall, London, S.W.1. and their reference EYE/67/5/1074/1. I will also be pleased to help you in any way I can. In respect of the seashore and promenade byelaws I am in the process of finalising these with the Home Office and will keep you informed.

Yours sincerely,

Clerk of the Council.



Under Section 8 (1) (d) of the Local Government Act 1894.

BYELAWS made by the Parish Council of Dymchurch with respect to the Dymchurch Recreation Ground.

1. Throughout these byelaws the expression "the Council" means the Parish Council of Dymchurch and the expression "the ground" means the Dymchurch Recreation Ground.
2. Any act necessary to the proper execution of his duty on the ground by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these byelaws.
3. A person shall not wilfully, carelessly, or negligently soil or defile any wall or ~~or~~ fence in or enclosing the ground, or any building, barrier, railing, post or seat or any erection or ornament on the ground.
4. A person shall not except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of a lawful right or privilege bring, or cause to be brought on to the ground any beast of draught or burden or any cattle, sheep, goats or pigs.
5. (i) A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought on to the ground any barrow, truck, machine or vehicle other than-- (a) a wheeled bicycle or other similar machine; (b) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

Provided that where the Council set aside a space on the ground for the use of any class of vehicle this byelaw shall not deem to prohibit the driving in or to a space by a direct route from the entrance to the ground of any vehicle of the class for which it is set apart.

(ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine on any part of the ground.
6. A person shall not affix any bill, placard, or notice to or upon any tree, or to or upon any part of any building, seat, or erection on the ground.
7. Where the Council set apart any such part of the ground as may be fixed by the Council, and may be described in a notice board affixed or set up in some conspicuous position on the ground, for the purpose of any game specified in the notice board, which, by the reason of the rules or manner of playing, or for the prevention of danger, damage or discomfort of any person on the ground, may necessitate the exclusive use by the player or players of any space on such part of the ground -- a person shall not in any place elsewhere on the ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.
8. A person shall not except with the consent of the Council erect any post, rail, fence, pole, tent, booth, stand, building or other structure on the ground.
9. A person shall not on the ground (a) beat, shake, sweep, brush, or cleanse any carpet, rug, or mat or any other fabric retaining dust or dirt; (b) hang, spread or deposit any linen or other fabric for drying or bleaching.

10. A person on the ground shall not wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the ground or wilfully obstruct, disturb, or interrupt any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of his duty.
11. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding---
-twenty pounds.
12. Any person who shall infringe any byelaw for the regulation of the ground may be removed ~~to~~ therefrom by an officer of the Council, or by any constable in any one of the several cases hereinafter specified; that is to say--- (1) Where the infraction of the byelaw is committed within the view of such officer or constable, and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable .
(2) Where the infraction of the byelaw is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable grounds for belief that the continuance on the ground of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

Given under our hands and seals this *Tenth*

day of *January* 1972

(Signed) *[Signature]*

(Signed) *[Signature]*



Members of the Dymchurch Parish Council.

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BYELAWS

made under Section 8(1)(d) of the Local Government Act 1894 by the Parish Council of Dymchurch with respect to the Dymchurch Recreation Ground.

1. Throughout these byelaws the expression "the Council" means the Parish Council of Dymchurch and the expression "the ground" means the Dymchurch Recreation Ground.
2. Any act necessary to the proper execution of his duty on the ground by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these byelaws.
3. A person shall not wilfully, carelessly, or negligently soil or defile any wall or fence in or enclosing the ground, or any building, barrier, railing, post or seat or any erection or ornament on the ground.
4. A person shall not except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of a lawful right or privilege bring, or cause to be brought on to the ground any beast of draught or burden or any cattle, sheep, goats or pigs.
5. (i) A person shall not except in the exercise of a lawful right or privilege bring or cause to be brought on to the ground any barrow, truck, machine or vehicle other than (a) a wheeled bicycle or other similar machine ; (b) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

Provided that where the Council set aside a space on the ground for the use of any class of vehicle this byelaw shall not deem to prohibit the driving in or to that space by a direct route from the entrance to the ground of any vehicle of the class for which it is set apart.

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7. Where the Council set apart any such part of the ground as may be fixed by the Council, and may be described in a notice board affixed or set up in some conspicuous position on the ground, for the purpose of any game specified in the notice board, which, by the reason of the rules or manner of playing, or for the prevention of danger, damage or discomfort of any person on the ground, may necessitate the exclusive use by the player or players of any space on such part of the ground – a person shall not in any space elsewhere on the ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.

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8. A person shall not except with the consent of the Council erect any post, rail, pole, tent, booth, stand, building or other structure on the ground.
9. A person shall not on the ground (a) beat, shake, sweep, brush, or cleanse any carpet, rug or mat or any other fabric retaining dust or dirt ; (b) hang, spread or deposit any linen or other fabric for drying or bleaching.
10. A person shall not on the ground wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the ground or wilfully obstruct, disturb, or interrupt any officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of his duty.
11. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding – twenty pounds.
12. Every person who shall infringe any byelaw for the regulation of the ground may be removed therefrom by any officer of the Council, or by any constable in any one of the several cases hereinafter specified ; that is to say –
- (1) Where the infraction of the byelaw is committed within the view of such officer or constable, and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable.
- (2) Where the infraction of the byelaw is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance on the ground of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

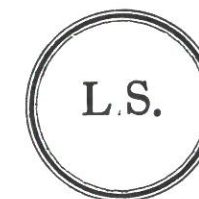
Page 45

Given under our hands and seals this Tenth day of January, 1972.

Members of the Parish Council.

(Signed) P. F. SLOPER

(Signed) SYDNEY CHECKSFIELD



The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the first day of July 1972.

Home Office
WHITEHALL
23 May 1972

K. P. WITNEY
An Assistant Under Secretary
of State

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in morning was ... in the ... having been duly convened by notice.

Present.

Captain Stephens in the chair. Messrs. A. Gearing J. S. Brightman, E. Young.

Camping.

An acknowledgement of receipt of communication was read from the Ministry of Health. The Chairman proposed that Mr Hardy be asked to come on August Bank Holiday Sunday or Monday to see the state of village in file. Seconded by Mr Young.

Tom Planning

The Chairman read letters re the removal of Depueheral from the Hyth & Elham Tom Planning Scheme, and his petition to the Ministry of Health for an inquiry before definite steps were taken. These were approved - proposed by Mr Young seconded by Mr Gearing. It was also resolved to ask the inquiry during the next 5 weeks.

She: light

The possibility of an island at Galpin Corner was discussed but abandoned as dangerous. The Chairman was asked to find out the price of lighting with 60 watt lamps all round & also re long extensions on the existing posts.

Foreshore.

Complaints re the loss of revenue due to undressing on the shore had been made by all tent owners but as such undressing, if there was any was done on the apron - Complaints should go to Mr Stokes - Clerk to the level. It was decided that the Chairman should see that the Beach warden put in more time on the Foreshore.

Rec: 9d.

After discussion it was agreed that the Council should try to buy a plot of land & after talking off from W. M. Wright adjoining the Rectory on St Mary's Road

to see the remainder as a building plot.

Accounts.

The Chairman proposed to offer £25 - seconded by Mr Gearing - Carried. Mr Young proposed that all outstanding accounts should be paid off. Mr Gearing seconded.

J. H. Stephens.
Chairman. 22/8/33.

Page 47

July 25 1933.

A meeting was held in the school having been duly convened by notice.

Present. Captain Stephens in the chair. Messrs. A. J. Gearing J. G. S. Brightman, & Young.

Camping. An acknowledgement of receipt of communication was read from the Ministry of Health.

The Chairman proposed that Mr Hardy be asked to come on August Bank Holiday Sunday or Monday to see the state of village in file. Seconded by Mr Young.

Tom Planning The Chairman read letters re the removal of Deprehend from the Hythe & Elham Tom Planning Scheme, and his petition to the Ministry of Health for an enquiry before definite steps were taken.

These were approved - proposed by Mr Young seconded by Mr Gearing. It was also resolved to ask the enquiry during the next 5 weeks.

See: light The possibility of an island at Galpin's Corner was discussed but abandoned as dangerous. The Chairman was asked to find out the price of lighting with 60 watt lamps all round & also re long extensions on the existing posts.

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See: 9d. After discussion it was agreed that the Council should try to buy a plot of land & after taking off

rough for a roadway to the Rec: Ground - try to sell the remainder as a building plot.

The Chairman proposed to offer £25 - seconded by Mr Gearing - carried.

Accounts. Mr Young proposed that all outstanding accounts should be paid off. Mr Gearing seconded.

M. H. Stephens
Chairman. 22/8/33.

Page 18

Jan: 2nd 1934

A meeting was held in the Schools on Tuesday Jan 2nd at 7.30 having been duly convened by notice.

Present. Capt. M.H. Stephens in the chair, Messrs J.S. Brightman, C.A. Wraight, E. Young & A. Gearing.

F.J. Hall Esq - the Council's legal adviser was also present.

Minutes. The minutes were left over.

Rec: Ground. The Chairman read a letter from Mr. Wraight offering the Council a strip of land for an entrance into the Recreation Ground, parallel with the railway line & abutting thereon, nine feet wide for a yearly sum of 10/6 rent. The Parish Council to maintain the entrance & the gateway.

Mr. Hall gave a brief resume of the situation from its legal aspect - and urged the Council, since all parties wished the matter settled, to see whether it was not possible to buy the plot of land with a ³⁶ ft. frontage on St Mary's Rd. and make a really good entrance.

The Chairman mentioned that Captain Howey might be willing to help in getting the matter definitely settled. After discussion it was decided that Mr. Gearing should see Mr. Wraight and ~~submit~~ ^{see if he would be willing to offer} an offer of £45.

The following resolution was moved by the Chairman & seconded by Mr. A.C. Wraight & carried.

That if Mr. Wraight will accept £45 for the freehold of the plot abutting the Railway & fronting St Mary's Road then Mr. Hall be instructed to communicate with Mr. Kennard & proceed with the purchase. The Chairman would see Mr. Slings of the R.H. & S. Light Railway Co.

Accounts. Insurance premiums passed for payment. Mr. Brightman

Page 49

Feb: 13th

A meeting of the Council was held in the Schools on Tuesday Feb 13th at 7.30 having been duly convened by notice.

Present. Capt. Stephens (in the chair) Messrs A. Gearing, J.S. Brightman, C.A. Wraight, E. Young.

Minutes. The minutes were read & confirmed & signed.

Rec: Ground. The Chairman read a letter from Mr. Wraight of Jan: 3rd confirming a conversation with Mr. Gearing on the evening of Jan: 2nd in which Mr. Wraight agrees to accept the sum of £45 for the plot of land as an entrance to the Rec: Ground, on condition that the Council pay the conveyancing fee. The ^{draft} agreement was then read as prepared by Messrs Hallett, Bering & Co. and objection was raised to several clauses - i.e.

payment of the Solicitor's fees for the last 18 months - no essential buildings being placed on the plot - the keeping of the right of way over the railway line - the question of title. The following resolution was put to the meeting by Mr. Gearing - seconded by Mr. Young & carried.

① "That the Council is only prepared to offer £45 for the plot, and to pay the legal expenses in connection with the conveyance - not to exceed £5."

The Chairman was asked to advise Mr. Hall of this resolution & the various changes in the draft agreement.

Refuse. The Chairman read a notice advertising for tenders for the carting of refuse & emptying of curo-pots - the latter work to be done "between the hours of 4. am & noon or when the medical officer of Health shall require" The following resolution was put to the meeting by Mr. Young, seconded by Mr. Brightman.

② "That the Council views with some apprehension the

A meeting of the Parish Council was held in the school on Monday Aug. 22nd having been duly convened by notice.

Present
E. Light.

Capt. Stephens (in the Chair) Messrs. A. Jearring, F. J. S. Brightman, C. A. Wright & E. Young.

Bank Ac No 2

There was as yet no reply to the queries raised at the last meeting. Mr. Brightman proposed that the request of the Bank manager, that the foreshore £ should be moved from deposit to current £, be acceded to it being out of order to draw cheques on a dep. £. Sec: by Mr. Young.

Under.

Mr. Harris of El. kids. Dymchurch offers 30/- for permission to run some floats for hire, but it was considered too dangerous without a boat in constant attendance. Mr. Seymour of Eastbridge asked for a seat on the sea wall opposite 'The Oval'. The clerk was instructed to apply to the Internat. B. Bd. for the necessary permission.

Page 50

Rec: Gd

The fact that the Right of way over the R. L. Lane ~~is~~ shall only operate for the purpose for which the ground was being used at the time of the ~~consequence~~ ^{was debated & left in abeyance} ~~consequence~~, was ~~accepted~~ ^{accepted} by Mr. Young proposed that the Common & Open Spaces be approached by Mr. Hall for advice. It was decided after discussion that the money resulting from the Recreation Ground sale on the 19th Aug. should be handed over to the Rec: Gd Committee & a special meeting of that Committee be called to consider the purchase of a plot of land by which access could be got to the Rec: Gd. After taking off enough land for a roadway, the balance could be sold as a building plot, thus reimbursing the Recreation Gd. account.

Proposed Inspector

that of £40 - made by him tentatively. Mr. Hall's letter was read. The Chairman read a letter from Maj. P. Coull re. the ^{proposed} appointment by the R. D. C. of an ^{assistant} building Sanitary Inspector for Dymchurch, & paid for by Dymchurch - without Dymchurch's consent. After discussion - the following resolution was proposed by Mr. Jearring, seconded by Mr. Young & carried unanimously. "That in the opinion of a large section of the parish as well as in that of the Parish Council; the appointment is unnecessary. Also that a post of such description should be advertised, and given to a man with full qualifications, & approved by the Ministry of Health."

The question of the water supply, pumping & the inquiry into town planning scheme was touched on, but the meeting was adjourned till the following evening.

Wednesday, Aug 23rd

Present

Capt. Stephens (in the chair) Messrs. E. Young, F. J. S. Brightman, C. A. Wright & Mr. Oplin & A. Jearring

Town planning

The Ministry had been asked to hold an inquiry in ~~the~~ ^{the} Dymchurch before the end of September, & had now replied that this was impossible. With regard to camps - the R. D. C. had informed the Ministry of Health that their by-laws had been strengthened & would be enforced & no intervention on the Ministry's part was now necessary. It was however considered that the by-laws did not materially help the situation, and the help of Mr. Fisher - who was a friend of Sir Hedderley Young - should be solicited ^{the Chairman to have full powers to obtain other assistance as considered necessary.} Very serious complaints had been made by leading residents - visitors - hotel proprietors, etc etc as to the

Water supply

August 22nd / 33.

A meeting of the Parish Council was held in the school on Tuesday Aug. 22nd having been duly convened by notice. Present. Capt. Stephen (in the Chair) Messrs. A. Gearing, J. J. S. Brightman, C. A. Wright & E. Young.

Present.

E. Light.

There was as yet no reply to the queries raised at the last meeting.

Bank Ac No 2

Mr. Brightman proposed that the request of the Bank manager, that the foreshore £ should be moved from deposit to Current £, be acceded to it being out of order to draw cheques on a dep. £. Sec: by Mr. Young.

Page 51
Cinder.

Mr. Harris of El. kids. Dymchurch offers 3/- for permission to run some floats for hire, but it was considered too dangerous without a boat in constant attendance. Mr. Segrave of Eastbridge asked for a seat on the sea wall opposite 'The Oval'. The clerk was instructed to apply to the Internat. B. Bd. for the necessary permission.

Rec: 9th

The fact that the Right of way over the R. B. Lane shall only operate for the purpose for which the ground was being used at the time of the consequence, was debated & left in abeyance. Mr. Young proposed that the Common & Open Spaces be approached by Mr. Hall for advice. It was decided after discussion that the money resulting from the Recreation Ground Bill on the 19th Aug. should be handed over to the Rec: Com. & a special meeting of that Committee be called to consider the purchase of

The offer of £25 made by Mr. Hall had been refused, also that of £40 - made by him tentatively. Mr. Hall's letter was read.

Bldg. Inspector

The Chairman read a letter from Maj. P. Connell re. the proposed appointment by the R. D. C. of an ^{assistant} Building Sanitary Inspector for Dymchurch, & paid for by Dymchurch - without Dymchurch's consent. After discussion - the following resolution was proposed by Mr. Gearing, seconded by Mr. Young & carried unanimously.

"That in the opinion of a large section of the parish as well as in that of the Parish Council; the appointment is unnecessary. Also that a post of such description should be advertised, and given to a man with full qualifications, & approved by the Ministry of Health."

The question of the water supply, Pumping & the Enquiry into town planning scheme was touched on, but the meeting was adjourned till the following evening.

Wednesday, Aug 23rd

Present

Capt. Stephen (in the chair) Messrs. E. Young, J. J. S. Brightman, C. A. Wright & Mr. Upton & A. Gearing

Town planning

The Ministry had been asked to hold an enquiry in Dymchurch before the end of September, & had now replied that this was impossible. Both regard to camps - the R. D. C. had informed the Ministry of Health that their by-laws had been strengthened & would be enforced & no intervention on the Ministry's part was now necessary. It was however considered that the by-laws did not materially help the situation, and the

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Electricity.

The Clerk was instructed to enquire whether the drop in the price of electricity from 8^d to 6^d would not lessen the price of Street lighting.

Signed J. I. S. Brightman (Chairman)
Apr. 5th /37

March 1st 37

The Annual Parish meeting was held on Monday, March 1st having been duly convened by Public notice which was read by the Clerk.

The minutes of the last Parish meeting of March 31st /36 were read approved & signed.

Mr. Cozens asked what was the procedure ^{as to} for voting for the new Council, & the Chairman (Mr. Brightman) replied that it was by law, show of hands unless five local gov^t electors or $\frac{1}{3}$ rd of the meeting, whichever was least, demanded a Poll.

Referring to the minutes, Mr. Hugh Jones asked whether the shelters had been put up - Mr. Marks wished to have more steps & easier access to & from the sands. Mr. Price & Mr. Cripps also advocated more steps & shelters, and the Chairman replied that all the Council had power to do was to approach the Kent Rivers Board who were the only Body with authority over the Sea wall site approaches.

The Chairman then gave a brief résumé of the three years work & thanked the Council for their co-operation.

Voting.

Shelters.

Recreation G^r.

There was a feeling expressed that too much money was spent on the Recreation Ground with insufficient return - but the Chairman pointed out that the Ground was given as a village recreation ground & it was not intended that it should be a money-making concern. The tennis club for example had to find all their own equipment & therefore were entitled to what revenue they could get to provide funds for this purpose.

Sunday trading

The Chairman then contradicted a rumour that the Council he was trying to get a new Council who would veto Sunday trading, and pointed out the foolishness of such a statement since the Council made its income by letting sites for Sunday trading.

Mr. Marks then proposed a vote of thanks to the Chairman & the parish Council, which was seconded by Mr. Green, & carried.

J. I. S. B.
15/3/37

March 15th

The Triennial meeting of the Parish Council for the election of the new councillors was held in the School on Monday March 15th having been duly convened by public notice.

It was proposed by Mr. Brightman that Mr. Divers be in the Chair, which was seconded by Mr. Hodgeson & carried.

Mr. Divers took the Chair at 8.4 and during the next 15 minutes as per schedule, nomination papers were handed in. Mess^{rs} Brightman

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Official copy of register of title

Title number K448333

Edition date 15.05.1997

- This official copy shows the entries on the register of title on 31 OCT 2017 at 15:05:24.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 31 Oct 2017.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

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

KENT : SHEPWAY

- 1 (26.01.1966) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land lying to the north of St Mary's Road, Dymchurch.

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

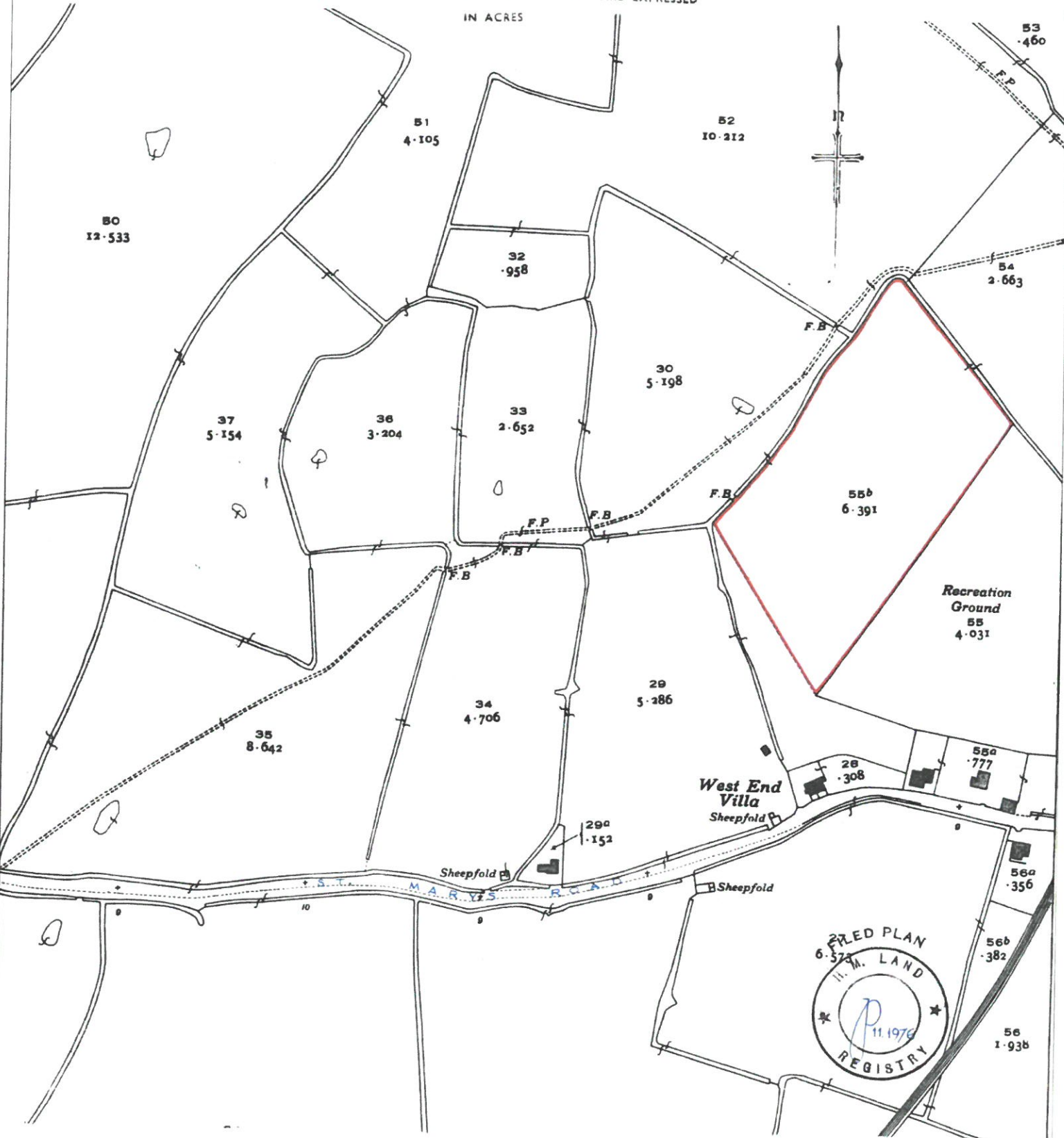
- 1 (18.10.1976) Proprietor: THE PARISH COUNCIL OF THE PARISH OF DYMCHURCH of 13 Orgarswick Avenue, Dymchurch, Romney Marsh, Kent.
- 2 The Transfer to the proprietor(s) contains a purchasers' personal covenant.

NOTE:-Copy of covenant in Certificate.

End of register

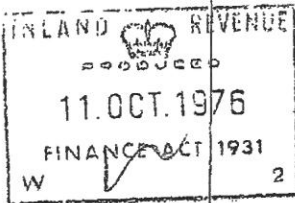
H.M. LAND REGISTRY		TITLE NUMBER	
		K 448333	
ORDNANCE SURVEY PLAN REFERENCE	KENT LXXXI 12	Scale 1/2500	
COUNTY KENT	DISTRICT SHEPWAY	© Crown copyright	

NOTE: AREAS ON THIS PLAN ARE EXPRESSED
IN ACRES



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 43 when fresh restrictive covenants are imposed.

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

K448333

Oyez Publishing Limited, Oyez House, 237 Long Lane, London SE1 4PU, a subsidiary of The Solicitors' Law Stationery Society, Limited.

January, 1974

County, County borough or London borough } KENT - SHEPWAY

Title number K260926

Property Land on the North Side of St. Mary's Road, Dymchurch.

Date Thirtieth September 1976

In consideration of SEVEN THOUSAND pounds (£ 7,000.00)

(1) Strike out if not required.

(1) the receipt whereof is hereby acknowledged

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

(2) CHARLES HERBERT UDEN of Brookside, 36 St. Mary's Road, Dymchurch, Romney Marsh, Kent - Farmer and Grazier (hereinafter called "the Vendor")

(3) If desired or otherwise as 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 description of the transferee for entry on the register.

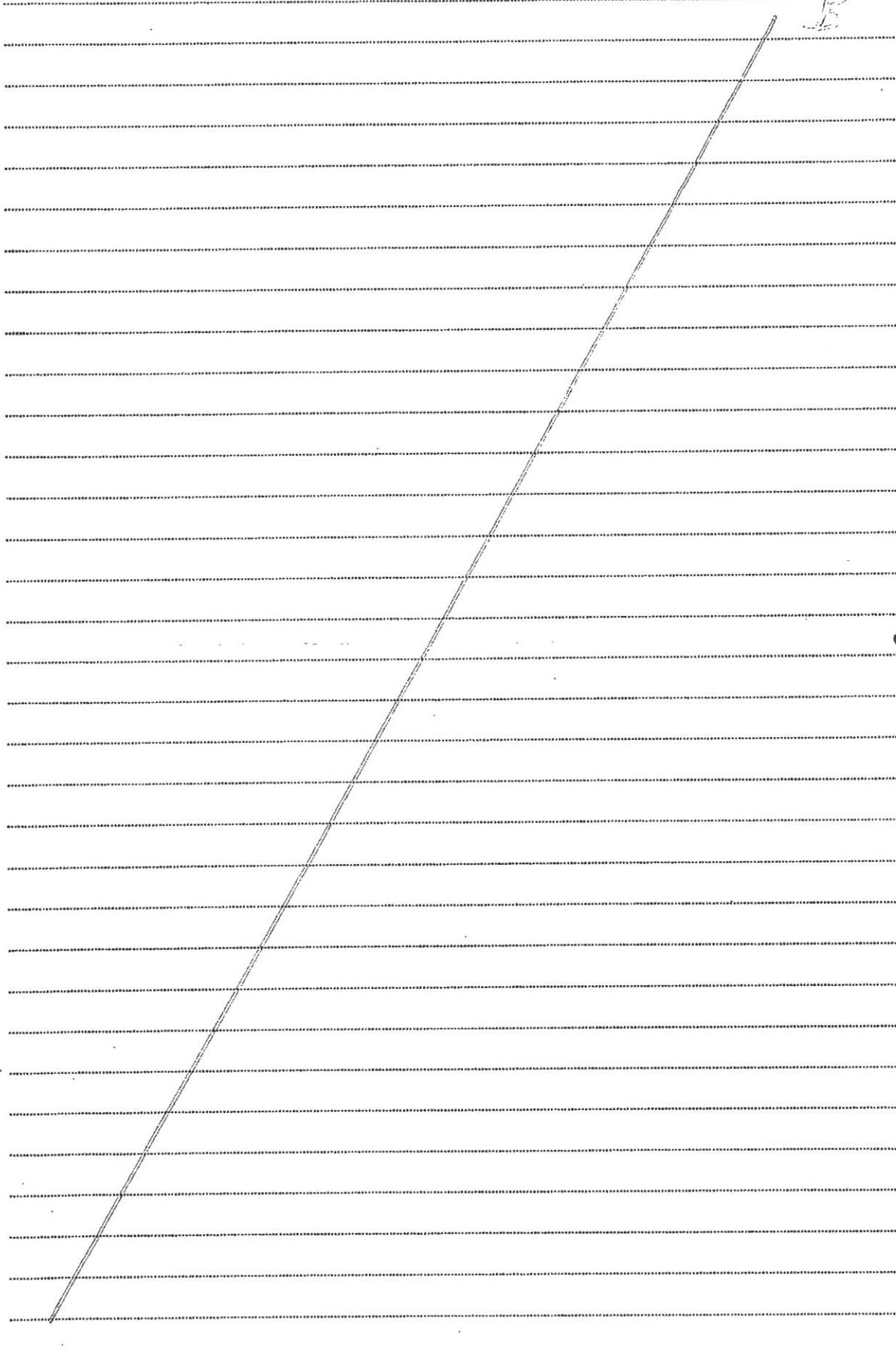
(4) THE PARISH COUNCIL OF THE PARISH OF DYMCHURCH in the County of Kent (hereinafter called "the Council")

(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 land part of land on the North Side of St. Mary's Road Dymchurch being part of the land comprised in the title above mentioned. The Council hereby covenants with the Vendor forthwith to erect and forever

[OVER

hereafter to maintain a stock proof fence between the points
marked 'A' 'B' and 'C' shown on the said plan annexed hereto



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.

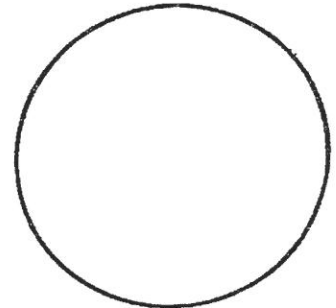
(1) If a certificate of value for the purposes of the Stamp Act, 1891, and amending Acts is not required, this paragraph should be deleted.

(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 £ 15,000.00

Bind the plan herein

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

(2) The common seal of _____
_____ }
was hereunto affixed in the presence of



(3) Or other officers authorised by the articles of association, charter, etc. (See footnote).

_____ (3) Director
_____ (3) Secretary

(4) For use by transferor(s) other than a company or corporation.

(4) Signed, sealed and delivered by the
said CHARLES HERBERT UDEN

C. H. Uden

in the presence of

Name R. Knudsen

Address 73 High Street Hythe Kent

Description or occupation Scientist

(4) Signed, sealed and delivered by the
said Peter Francis Cooper

and Anthony Holland Deighton

two Members of the Council on behalf of the Council
at a Meeting of the Council held on the _____
day of _____ in the presence of

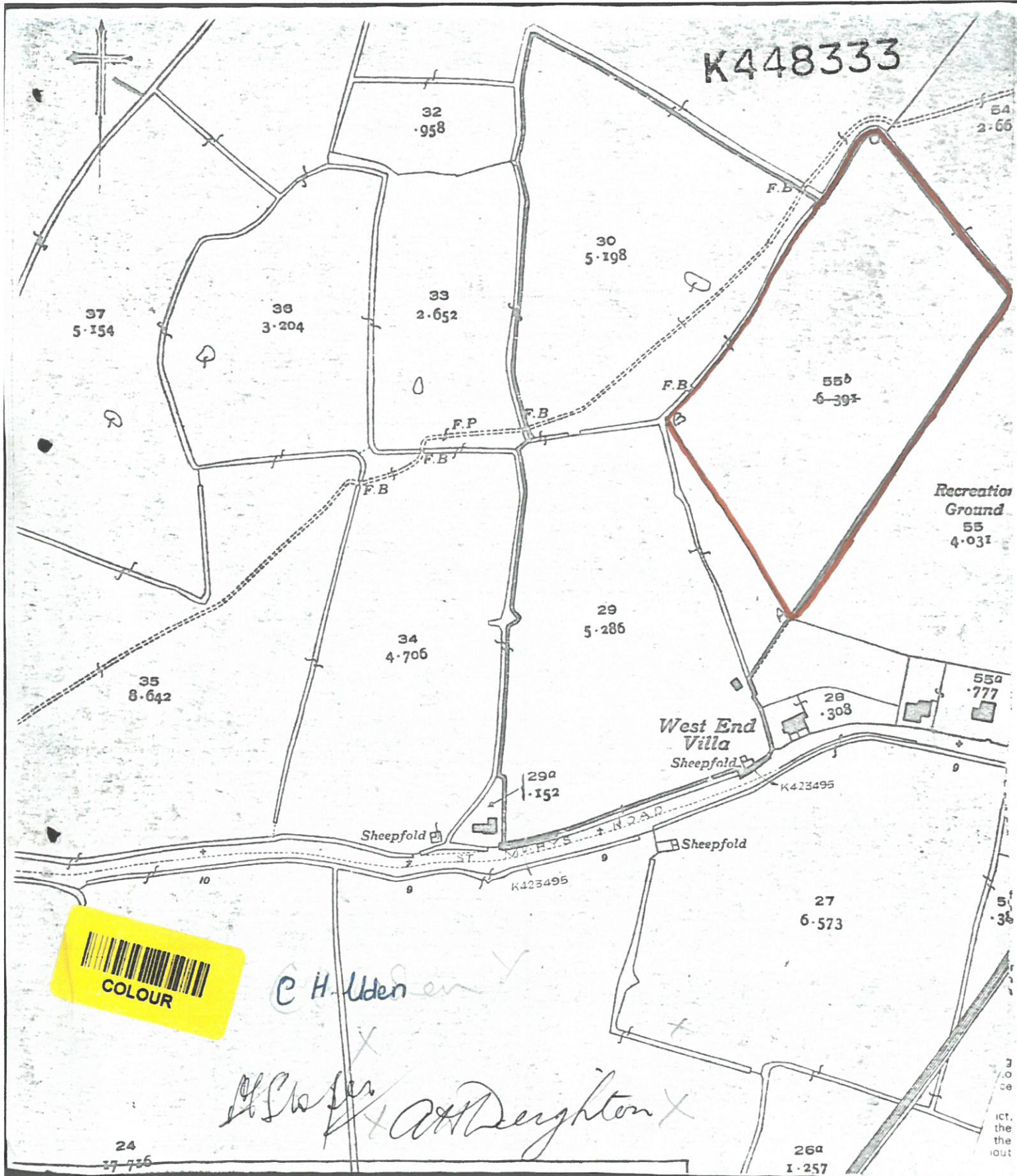
1976 Name J. U. Edwards

Address 11 Wind Close, Dymchurch Kent

Description or occupation Chair to the Parish Council.

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.

[OVER



This official copy is incomplete without the preceding notes page.

to have their names placed on
posed by Major Bourn and Second
sement should be placed in the

DYMCHURCH PARISH COUNCIL

Minutes of a meeting of the Dymchurch Parish
Council, held at the Parish Council Chamber,

by Councillor Uden THAT the
be settled. Carried.

meeting was closed at 10.35pm

Parish Council meeting will be
July, 1975 at 7.30pm, in order
ting.

Dymchurch, on Monday 14th, July, 1975.
PRESIDENT Councillors P.F.Sloper (chairman), S.Checksfield, Mrs.Apps,C.H.Uden
and Major Bourn.

POUCIES FOR ABSENCE were received from Councillors Young, Gearing and
Wraight.

MINUTES Proposed by Councillor Mrs. Apps and Seconded by Major Bourn THAT
the minutes of the meeting held on the 23rd. June, 1975 be accepted. Carried.

MATTERS ARISING FROM THE MINUTES

The Clerk was instructed to enquire from KCC, what action can be taken over
the misuse of the unmade section of Chapel Road by motorists,

The Clerk was instructed to have the 'Recreation Ground' sign replaced in
its' previous position at the entrance to the ground.

The Clerk was instructed to place the provision of a telephone in the Red
Cross hut on the agenda for the next meeting.

CORRESPONDENCE

- (1) From SDC, confirming the date of the meeting (15th, July, 1975) regarding
near parking concessions. No action.
- (2) From SDC enclosing a 'Liable to flood' map of the area. No action.
- (3) From Dymchurch Cricket Club regarding the provision of crockery in the
sports pavilion; the Clerk is to check what is required and to obtain prices.
- (4) From SDC regarding the conversion of No.25 Martello Tower; the Clerk is to
investigate.
- (5) From KCC and East Kent Bus Co. regarding bus turning arrangements at
The Fairway. No action.
- (6) From SDC explaining their acceptance of the planning application on Yew
Tree Cottage. No action.

PLANNING APPLICATIONS

- SH/75/651. Extension at 18, Tartane Lane. No objection.
- SH/75/653. Erection of house next to 77, Hythe Road. No objection.
- SH/75/634. Erection of a double garage at 13, The Oval. No objection.
- SH/75/446. Illuminated sign at Checksfield's Garage. No objections.
- SH/75/592. Alterations to shop, 30, High Street. No objections.

PERMISSION TO THE RECREATION GROUND

The Clerk gave the following information:

- (a) Any loan raised must be with the permission of Shepway District Council
which controls the Capital Loans Allocation, this would probably be difficult
during this year as the funds are likely to be already allocated, but if the
purchase was made after April 1st, 1975 this would make the allocation easier.
- (b) The capital could be raised through the normal channels i.e. a Public
Works Loan or any other source and paid back with interest over a period of
years, or

- (c) The capital could be raised by precept and would be equivalent to a 2p.
rate; approximately, this could be precepted either in one year as a 2p.
precept or over two years as a 1p. precept and so on. In this case a

[Handwritten signature]
(L.D.Cotton)

to the Parish Council

the members of this Council
oil Works Committee, to take
in the Parish Council Cha

[Handwritten signature]
12/7/75

[Handwritten signature]

Sheet 2.

way of the potentialities of the High Knocks slipway and the availability of parking space nearby.

From Shepway D.C.; offering 'Officer Advice' to parish councils. No action.

From Shepway D.C.; informing this Council that permission had been given for the development at Wraight's Field. No action.

From Shepway D.C.; informing this Council that the request to build a playground Hall at the Willop Basin site had been refused. No action.

LAWING

17/6/230. Front porch at 28, Tartane Lane. No objection.

17/6/214. Erection of 29 mobile homes and 13 chalets at rear of 8, Marine Avenue. The Council feels that Marine Avenue is not suitable to

17/6/215.

carry the extra traffic and the access to the A 259 is very dangerous due to the Willop Basin bend.

17/6/260. First floor extension at 25, Tritton Gardens. No objection.

PROPOSED RECREATION GROUND EXTENSION

Proposed by Councillor Checksfield and Seconded by Councillor Gearing THAT a loan of £6,000.00 (six thousand pounds) be arranged with the Public Works Loan Board, repayable over a period of fifteen years, in order to purchase approximately four and a half acres of ground as an extension to the existing Recreation Ground. Carried.

REPLACEMENT OF PARISH CLERK

The Council examined the applications for the post of Parish Clerk and agreed that Mrs. Edwards be invited to attend an interview on Wednesday, 14th April at 5.45pm., the committee to attend the interview being Councillors Sloper, Checksfield and Young.

CLERK'S REPORT

The Clerk is to ask Shepway Parks Dept. to roll the football pitch.

The Clerk is to insert an advertisement in the local papers regarding the Annual Parish Meeting.

It was agreed that Captain Black and his parachute team could make some jumps off the foreshore during the week and at the Easter week-end.

ACCOUNTS

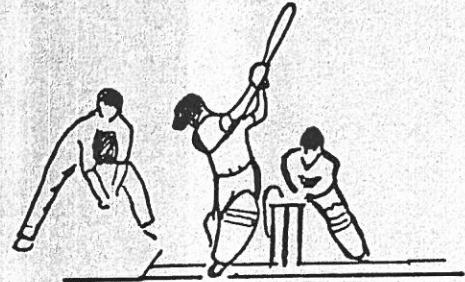
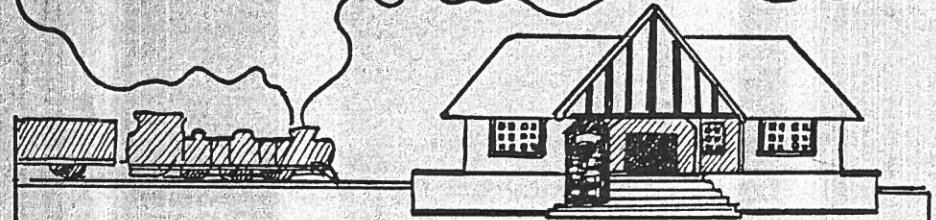
Proposed by Councillor Gearing and Seconded by Councillor Mrs. Apps THAT the accounts as shown in the agenda to this meeting be settled. Carried.

As there was no further business the meeting was closed at 10.35pm.

AKK

DYMCHURCH PARISH COUNCIL

100 NOT OUT



"100 NOT OUT"

A History of Dymchurch Cricket Club



Author & Editor
Peter Gavin

256 runs. (Bower 77, Upton 70) to which Aldington replied with 33.

Dymchurch were invited to play in the cricket week organised by Hythe Green C.C. and responded by beating the hosts, scoring 167 (M. Upton 95) to which Hythe Green managed 86 in reply.

F. Woodlands XI took on the Harvey Grammar School. R. Divers took 9 wickets for 22, but the school won the match.

A supply of water by Folkestone Water Company arrived at Dymchurch during this year.

1927

Negotiations were begun early in this year between Dymchurch Parish Council and a committee under the chairmanship of Mr. A. Gearing to discuss an offer from Mr. Morris Wraight to sell a plot of land in St. Mary's Road, Dymchurch. Initially of six acres, with a further option of another four, with the proviso that the land be used for the provision of sporting facilities for the village. The Parish Council were reluctant to take on further expenses that might arise, until the committee were able to give an assurance that sufficient funds could be raised by public subscriptions backed by loans, to purchase and

maintain the project in a manner that would not entail any further burden on the ratepayers.

Members of the committee who had sufficient foresight to see the possibilities of this proposition were: A. Gearing, Capt. M.H. Stephens, M. Wraight, J. Brightman, C. Wraight, Rev. Cummings, A. Wraight, R. Wraight, C. Hopkins, M. Upton, J. Cornes.

Many generous subscriptions were made, notably a sum of £125 from Major Krabee. Grants were obtained from the Carnegie Trust, National Playing Fields and the Parish Council. A loan from Kent County Playing Fields of £350 @ 2½% interest enabled the committee to embark on a plan to build a Pavilion - an ambitious scheme and it says a great deal for the committee to have made such a bold step for the future benefit of all the village sporting clubs.

This then was how the present recreation ground came to be the home of Dymchurch Cricket Club. The ground was first played on in 1928 and the pavilion, built by Brewer Brothers, was completed in 1931, and became the envy of most visiting clubs.

Monty Upton turned in another outstanding performance when he cleaned bowled all ten of the Folkestone Century side, and eventually topped both batting and bowling averages: 30.5 average batting and 4.8 for bowling.

The outing to Forest Hill was repeated and Dymchurch scored 176 all out and so recorded their first victory against their London hosts - who replied with 149.

It was agreed that the Parish Council should be approached to fill in the crater made by the 'doodle-bug' and the cricket pitch put into some sort of order. Subscriptions were proposed at five shillings for playing membership.

1948

Few reports are available for cricket matches, but a team from London selected by John Taylor defeated Dymchurch comfortably, scoring 142: J. Taylor top scored with 51, M. Upton 4 for 45 and Bob Gearing 4 for 35 against which Dymchurch could only muster 96.

1949

Doug Clayson was elected as Club Captain and volunteered to prepare the wicket for all home matches. To help supporters attend away matches it was proposed that a coach be hired at a cost of one shilling for players and two shillings and six pence for non-members.

Although matches were being played again, there is very little actual cricket reporting available for this period. In fact the only playing feat of note during 1950 was the bowling of A.R. Gearing against Burmarsh when he took 7 wickets for 18 runs.



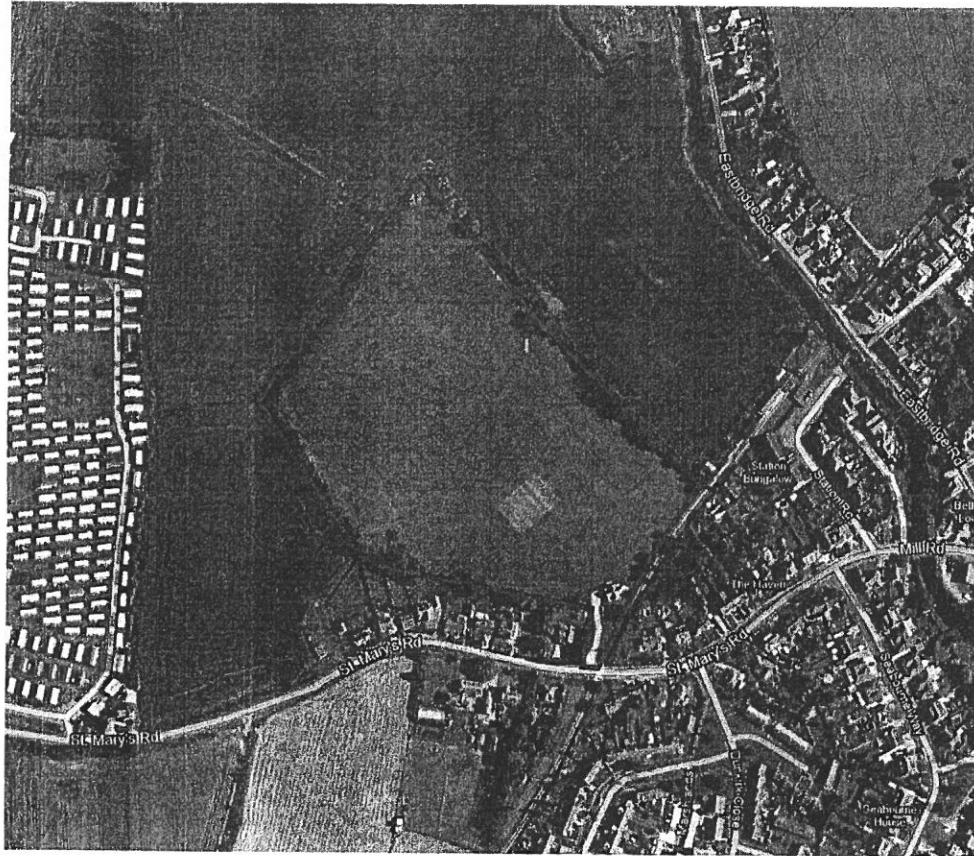
Mr. F. Finn took over as Club President, A. Wesson the duties of Treasurer and J.W. Young became Secretary. The subscriptions were increased to seven shillings and sixpence and it was agreed that the opponents would no longer be provided with free teas at matches.


1951 - 1956

Within this period a number of players drifted away from the club, either because of work commitments or in some instances they decided to change their allegiance and join another club in the district. Jesson formed a club at St. Mary's Bay in 1950 and the Newchurch Club was reformed in 1953, so that players had more choice in the immediate district. The Dymchurch Club decided to draw stumps for a period, and it wasn't until 1956 that cricket returned to the Recreation Ground. Then a side from Ferryfield Airport (now known as Lydd Airport) hired the ground and played their home matches there. This was in 1955.

1956

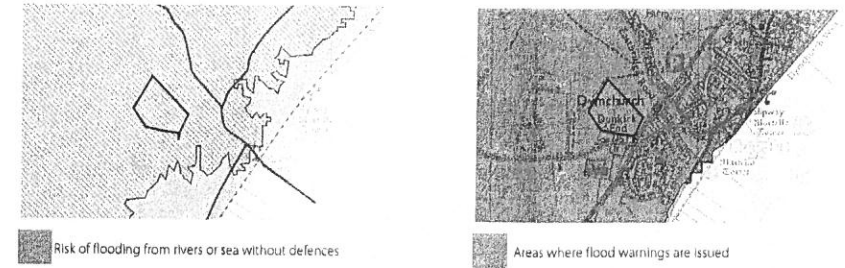
Doug Clayson and Jack Burden were primarily responsible for getting the club going again. Both agreed that the excellent facilities available at the Recreation Ground should be made more use of, and they mustered up sufficient interest for a meeting to be



Red line indicates site application boundary 

The site is located off St Mary's Road, Dymchurch. It is adjacent to the Rorney, Hythe and Dymchurch Railway line and is currently used as a sports and recreational area. The proposed pavilion is to serve a number of existing clubs who currently use the facilities and encourage sport participation in the area.

The maps opposite show that the site does not fall within a conservation area or Area of Outstanding Natural Beauty, nor is it within an ancient woodland or have any tree preservation orders on site. It does however fall within an area at risk from flooding from rivers and the sea and is subject to flood warnings.



DESIGN APPROACH

The design has been carefully considered in line with both Sport England and ECB pavilion guidelines.

The proposal seeks to maximise the usable space and provide a cost effective and efficient pavilion which can comfortably accommodate the necessary sporting clubs and provide sufficient space for future expansion.

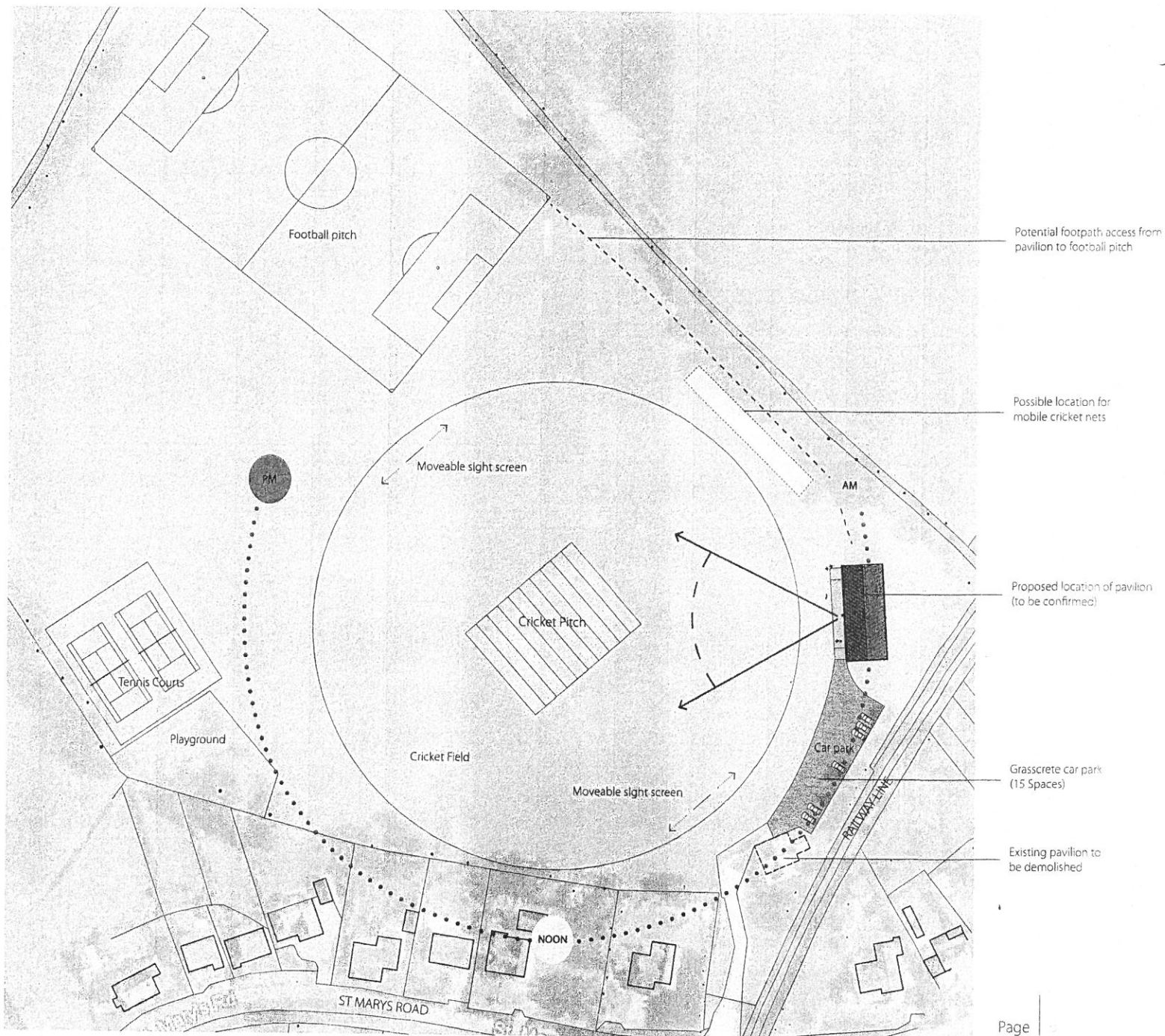
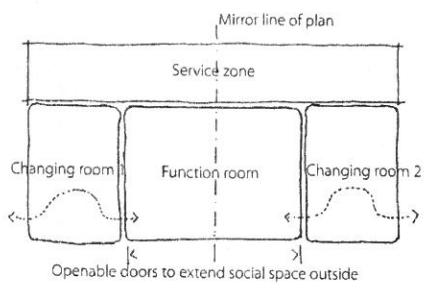
The siting of the pavilion has been largely determined by the direction of play from the cricket pitch and the consequent location of the sight screens. The corner site will offer the most dynamic views for spectators, giving full context of the field.

A grasscrete permeable paving system has been introduced to provide improved parking facilities within direct access of the proposed pavilion.

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EARLY CONCEPT DIAGRAM

The diagram below highlights the key concepts of the proposal. It identifies a main service area to the rear containing showers, kitchen, toilets etc, and two changing rooms separated by a good size multiuse function room.

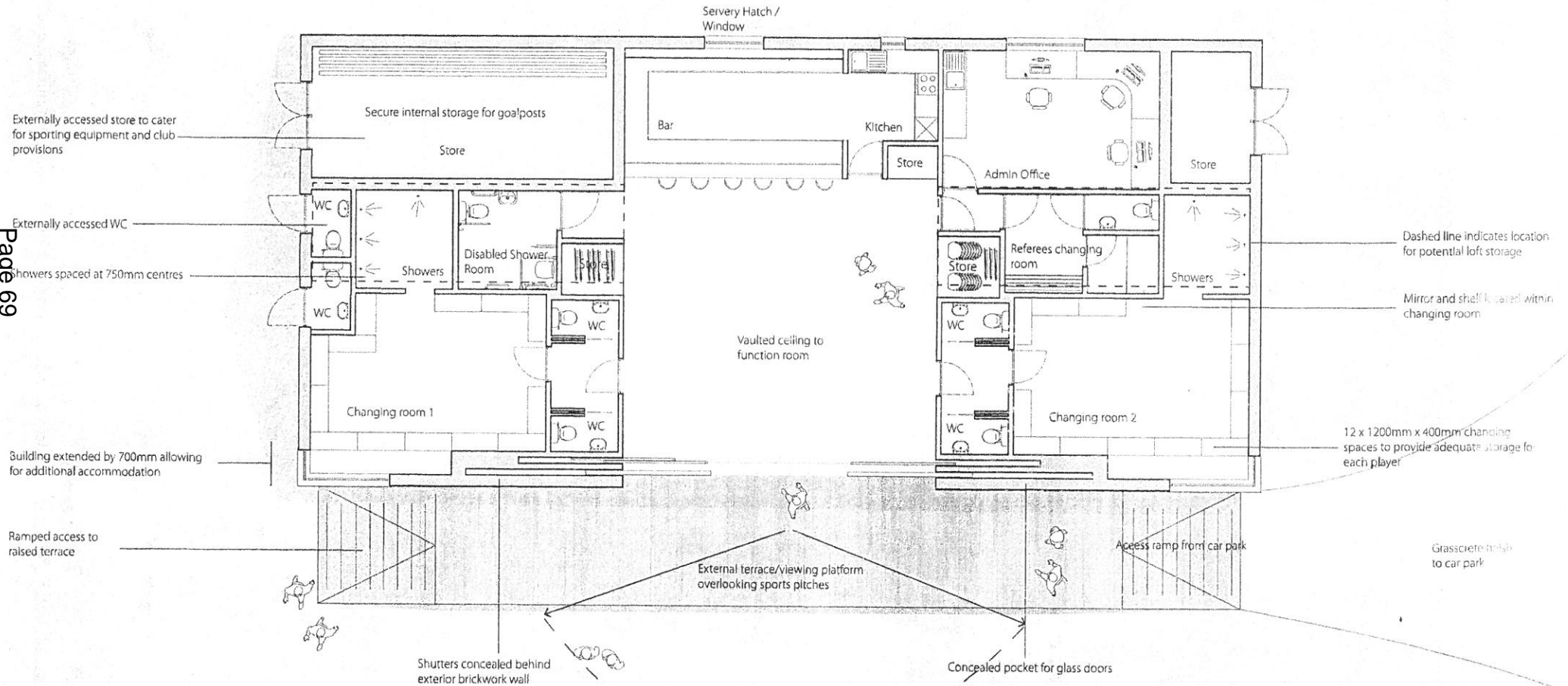


Proposed Site Plan (1:1000 @ A3)

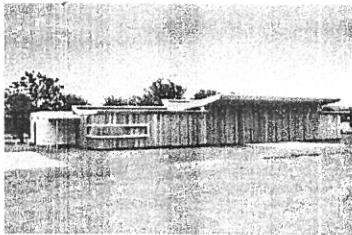
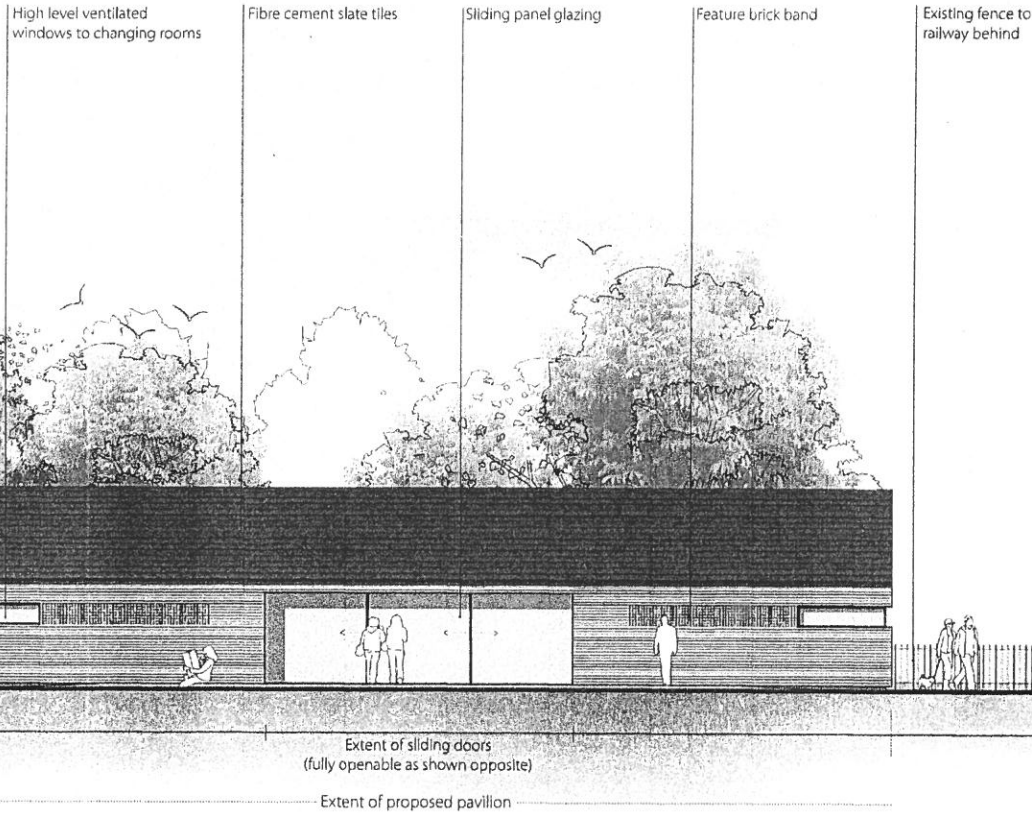
SCHEDULE OF ACCOMMODATION

Function Room	57 sqm	Changing Room 2	24 sqm	Small External Store	6.8 sqm
Bar	18.3 sqm	Changing Room 2 - Showers	5.5 sqm	Large External Store	25.5 sqm
Kitchen	6.2 sqm	Changing Room 2 - WC x2	1.5 sqm	Additional internal storage	5.9 sqm
Disabled Shower Room	6.2 sqm	Lobby/Corridor (within changing room 2)	3 sqm	Potential loft storage (above 1.5m head room in loft)	40 sqm
Changing Room 1	22.8 sqm	Referees Changing Room	5 sqm		
Changing Room 1 - Showers	6.2 sqm	Referees Changing Room - Showers	2.6 sqm	Gross Internal Floor Area	245 sqm (approx)
Changing Room 1 - WC x2	1.5 sqm	Referees Changing Room - WC	1.7 sqm		
Lobby/Corridor (within changing room 1)	3 sqm				

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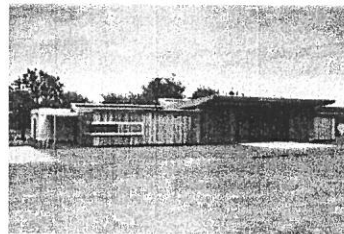
Proposed Floor Plan (1:100 @ A3)



Hawkinge Football Pavilion (Shutters Closed)
Guy Hollaway Architects

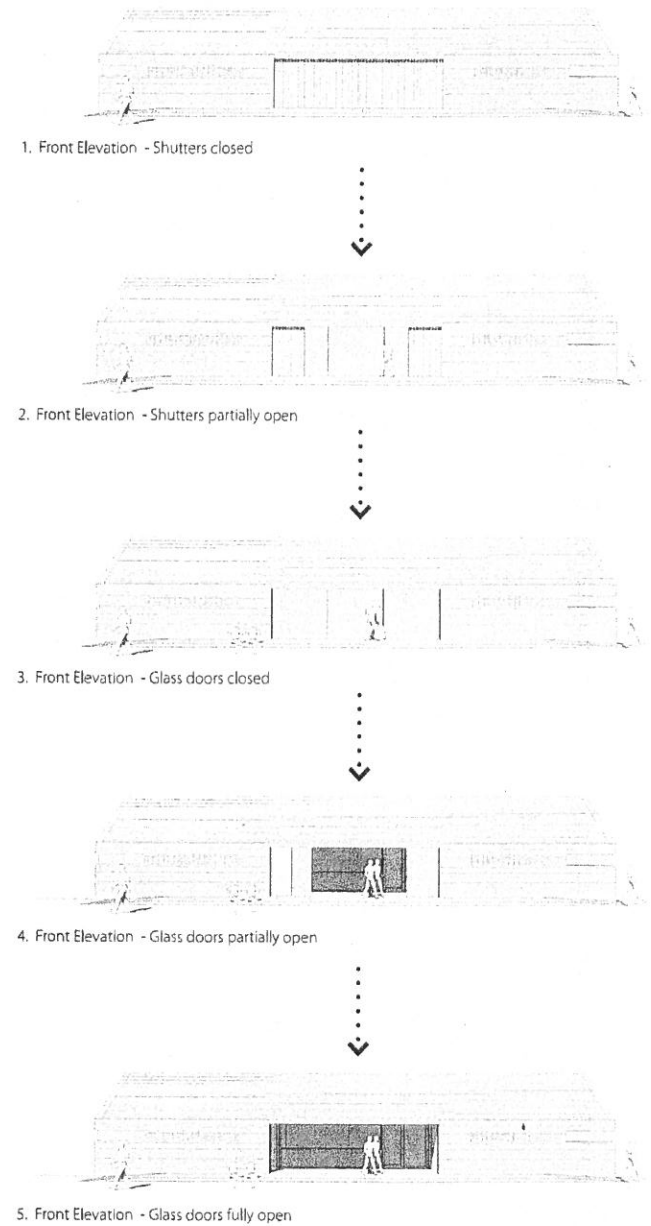


To ensure sufficient security for the pavilion, the proposal includes provisions for sliding shutters which cover the large glass doors when the pavilion is not in use. The diagram opposite demonstrates this sequential process.



Hawkinge Football Pavilion (Shutters Open)
Guy Hollaway Architects

SEQUENCING DIAGRAM



Proposed Front Elevation

Sent: 03 September 2013 16:22
To: Dominic
Cc: Gillian Smith
Subject: Dymchurch Pavilion

Attachments: Funding Criteria Dymchurch Pavilion.pdf

Dear Domic

Thank you for your positive response to the architects drawings. I will now use them as a basis for trying to raise the necessary funds. The cost of the projects is estimated to be in the order of £450,000. It is hoped that it will be funded in the following way:

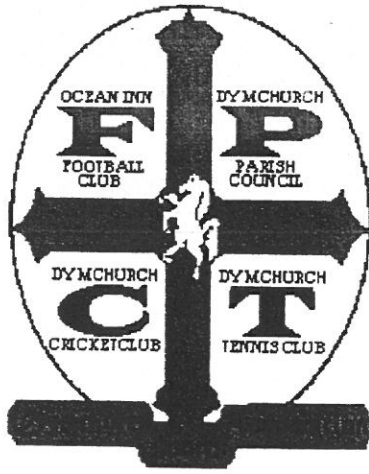
Funder	£	Prospects
Dymchurch Parish Council	40 (Max)	Confirmed
Sport England Inspired Facilities	50 (Max)	Meets criteria
Football Foundation	180 (50%)	Meets Criteria
Shepway District Council (106 pot)	0	Declined
England and Wales Cricket Board (ECB Grant Aid Programme)	180	Cricket Club needs to be a priority within County and also meet a range of performance criteria.
Shepway District Council Community Chest	0	Declined
Roger De Haan Charitable Trust	(flexible)	Flexible – use to top up any shortfall – and additional costs eg. fees/carparking arrangements
Requirement	450,000	

I am meeting with Darryl Hayden the Kent County Football Association and Wilbert Greaves Shepway District Council's sports Development Officer, **at 2pm on Thursday 19th September 2013**. The purpose of the meeting is to try and gain Darryl's support for our bid to the football Foundation. It would be really helpful if you can join me. We will really need to push the importance of the pavilion in supporting your plans for the development of football for young people. Can you please let me know if you are able to make the meeting. If not I will have to do my best but it will be much more meaningful if you are there. I will also see if Stan from Newchurch FC can join us. If possible it may make sense for us to meet ½ hour earlier just to make sure we are singing from the same hymn sheet.

In the meantime it would be helpful if you can help me with a few details. Different funders raise different questions I attach a summary for your interest. The main questions you can help me with are:

1. How does the scheme offer opportunities to those who don't currently play sport?
2. In what ways are children specifically benefitted?
3. Is a plan for sustaining the building over the next 10 years, including securing revenue, in place?
4. Is your organisation affiliated to a County FA? When bidding for funds it is important to be as positive and as imaginative as we can in demonstrating the benefits to people. We are in a competitive situation and can be sure others will be trying as hard as possible to show that there proposal is best. Part of my role is to make the case but the more information you can

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DYMCHURCH SPORTS ASSOCIATION

Chairman: Mr. R. Lambourne, 28 Taylor Road, Lydd-on-Sea
Secretary: Mr. A. Roots, Flat 2, 4 High Street, Dymchurch

8th April 1997

PLEASE NOTE:

IF THIS IS NOT APPLICABLE TO CURRENT ADDRESSEE, PLEASE FORWARD TO RELEVANT OR NEW RESPONSIBLE PERSON. MANY THANKS.

To: The Headmaster, Mr. G. Sweetenham
Dymchurch County Primary School
New Hall Close
Dymchurch
Kent. TN29 ONP

COPY

PROPOSED NEW SPORTING FACILITIES ON THE RECREATION GROUND.

INTRODUCTION.

The New Dymchurch Sports Association was established at the end of 1996 by the Dymchurch Cricket Club, Dymchurch Tennis Club and the Ocean Inn Football Club. The main objectives of the Association are to apply for Grants and other Funding, specifically from the National Lottery Sports Foundation, to totally upgrade, and provide New facilities on the Recreation Ground, St Marys Road, Dymchurch.

Presently, only Cricket, Tennis and Football are generally catered for on the Recreation Ground, but we believe that many more activities could, and should be incorporated within our proposed project. Obviously a project of this nature would mean a dramatic re-think of the available facilities, which after change could include a much larger purpose built Multisport Building, Parking, Paths and Roadways, Screening, Landscaping and a Multisport Astro turf Area.

At the moment we are at the early stages of negotiations with the Parish Council for a lease on the Recreation Ground. It is at this moment that I must point out that, if a lease is granted, the Rights of use for Local Residents and Visitors to the Village of Dymchurch, **WILL NOT CHANGE**. The Recreation Ground is a Public Place and will always remain a Public Recreation Facility. The necessity of a lease is paramount in any Lottery or Grant Application. In a sense the Dymchurch Sports Association will just be taking over the running of and maintenance of the Recreation Ground, instead of the Parish Council. The Council will still remain the Trustees.

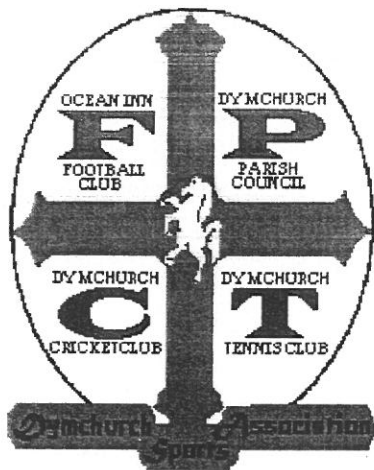
THE NEXT STAGE.

The Next Stage in the process, is to carry out a Feasibility Study. Within the Study is the need to conduct a Local Needs Survey, and this is where we need your help and assistance. Please find attached to this letter, a Questionnaire which I would be extremely grateful, if you could take the time to study and then fill out. The importance of the Questionnaire is substantial in giving us the necessary information on People, Ability, Residence and Sporting Interests. Obviously all of the Questions asked are important, but as an Association we will be taking particular interest in certain questions, especially Questions 11, 12, 13, 14, 15, 16, 19 and 20. Hopefully the answers will go a long way to the final proposals and layout of the project.

Please list down any activity that you feel will be beneficial, not only to you, but the community in general.

Many Thanks for reading this letter, and hopefully completing the Questionnaire. If you require any further information regarding the Association or the Project, please do not hesitate in contacting me.

ALAN ROOTS
Page 73
Secretary, Dymchurch Sports Association



DYMCHURCH SPORTS ASSOCIATION

Chairman: Mr.R.Lambourne, 23 Taylor Road, Lydd-on-Sea
Secretary: Mr.A.Roots, Flat 2, 4 High Street, Dymchurch

* APPROVED DRAFT. *

8th April 1997

To: The Person in charge
Relevant Club or Organisation
Some High Street
Some Town
Some Post Code

PROPOSED NEW SPORTING FACILITIES ON THE RECREATION GROUND.

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ALAN ROOTS
Secretary, Dymchurch Sports Association
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APPENDIX E:

Response, dated 7 February 2018, by the applicant to the letter of 11 December 2017 from the Dymchurch Parish clerk.

Beswick, Kate - GT EPE

From: Friends Of Dymchurch Rec <friendsofdymchurchrec@gmail.com>
Sent: 07 February 2018 08:51
To: Beswick, Kate - GT EPE
Subject: Ref PROW/KB/vga673/10jan18
Attachments: Village Green application..docx

Dear Ms Beswick ,

Please find attached our response to your letter of 10th January 2018.

Yours Sincerely ,

 ana Coker

Kate Beswick
Public Protection
Invicta House
County Hall
Maidstone ME14 1XX

Dear Ms Beswick,

Thank you for your letter of 10th January, I apologise for my delayed response, I have just returned to the UK from an overseas trip.

We have given careful consideration to the responses provided by the Parish Clerk and the supporting documentation and evidence included in the appendixes.

Our comments to the items the Clerk wished to clarify are as follows –

Item 1.

'The recreation ground was gifted to the parish council in 1929 and was taken on under the condition it would be so administered as to be self-supporting. The recreation ground has never been self-supporting and the parish council has been researching options that could make it viable'

If the recreation ground has never been self-supporting, we cannot understand why this is now of significant relevance to the current situation.

Item 2.

'The pavilion was built also on the understanding it would not be a burden to the rate payer. For this reason the cricket club undertook general maintenance, but the cricket club has now vacated the pavilion and the parish council has been left with a decaying structure.'

It is not a realistic expectation for any public owned property to not be a burden to the rate payer. As the cricket club were only responsible for general maintenance, the burden of responsibility for the safety and upkeep of the building falls to the owners, the parish council, they have failed to properly manage this and have not invested enough in the property to insure its continued use. We have not had sight of a contractual agreement between the parish council and cricket club pertaining to this matter.

As the pavilion was erected after the land commenced use for recreational purposes, we question what relevance this information has? The land is used for recreational purposes with or without a pavilion.

Item 3.

The parish council engaged a professional bid writer in 2013 to write a business plan , development brief and make applications to funding bodies. Applications were made to Kent County Cricket Board, Kent FA, SDC, Roger de Haan, Sport England/Big Lottery. The bids were not successful but the amounts applied for are identified at Appendix 11'.

The evidence supplied to support this is very poor quality. The single sheet included, details a proposed meeting and estimates of available funding. It does not detail what was applied for and why the bids were rejected. There are no details provided that relate to any of the rejected bids. Many other local authorities have been successful in their applications and we have conducted considerable research into this and met with funding associations to better understand their criteria. Sports funding bodies do not provide funding for new council offices to be included in recreational facilities.

There is also evidence on file that a Dymchurch Sports Association was formed in 1996 with the main objective to apply for grants and other funding , specifically from the National Lottery to totally upgrade and provide new facilities at the recreation ground, but the application was not successful.'

The evidence amounts to a single sheet of correspondence between the association and the headmaster of the primary school, it implies the association was about to conduct a needs survey but gives no evidence of this. The evidence provided does not detail why the bids were rejected by the funding bodies.

We do not see the relevance of the documents supplied by the Clerk in appendix 11 and 12.

Item 4.

'With reference to the survey Mrs Coker initiated, the council can give no credence to the results. Only two people who responded had the courtesy to provide their names and addresses that can be cross referenced with the electoral register to identify they are parishioners.'

The purpose of the survey was to gather the information required by funding bodies in the initial stage of the funding application process. We cannot support claims that the community have a desire for certain facilities if we have not first consulted them. Funding bodies do not require responses to be cross referenced with the electoral register. It appears the Clerk fails to understand the process and indeed the purpose of the survey.

Members of the parish did not fail to have the courtesy to provide their names and addresses, we did not request this information as it was not required.

Clerk's Summary.

'The parish council is an elected body, with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them . There are approximately 4000 residents in the parish and once the parish council has consulted with all its parishioners, via an options paper, and is satisfied all households have had the opportunity to comment on all parish council assets and acquisitions, the council will act in accordance to parishioner's wishes.'

The questions relating to the recreation ground in the proposed options paper are currently as follows –

'Question 4

Would you support the construction of ten houses on the recreation ground as a means of financing the construction of a new pavilion

YES/NO'

'Question 5

What would you do with the present pavilion ? (Please place in order of preference)

DEMOLISH IT

Or SUPPORT EFFORTS IN THE VILLAGE TO RAISE THE HUGE SUM NEEDED TO RENOVATE IT

Or USE THE FINANCE FROM RECREATION GROUND HOUSING DEVELOPMENT TO BUILD A NEW PAVILION'

These options are focused on the pavilion as are the parish council. Our recreation ground is used for many recreational purposes and has been for over 90 years. With or without a pavilion we believe this land is still eligible for Village green status.

The Clerk has stated , *'The parish council has no pre-determined view on any option, it will be guided by its parishioner's views.'* , however the parish council have voted to set aside £15,000 in the council budget to defend this application in court, should we be successful, this action was taken without consultation with the parishioners. The parish council have also instructed consultants to prepare plans for a potential housing development at the recreation ground, at the rate payers cost, before consultation with the parishioners.

In Summary, we do not believe the evidence and documentation provided by the Clerk are relevant to the application.

Yours Sincerely ,

Ms Deana Coker

Friends of Dymchurch Rec

1 Mill Road

Dymchurch

TN290NY.