

**Commons Act 2006: section 15**

**Application for the registration of a town or village green**

**This section is for office use only**

Official stamp

COMMONS ACT 2006  
KENT COUNTY COUNCIL  
REGISTRATION AUTHORITY  
01 FEB 2016

Application number

VGA669

VG number allocated at registration

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can apply to register land as a green where the criteria for registration in section 15(2) or 15(3) apply; (NB 15(4) is obsolete).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:

n/a

**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:

Brabourne Parish Council

Postal address:

14 Sandhurst Lane  
Ashford

Postcode TN25 4NS

Telephone number:

[Redacted]

Fax number:

[Redacted]

E-mail address:

[Redacted]

**3. Name and address of representative, if any**

Name:

Susan Wood (Parish Clerk)

Firm:

As above

Postal address:

As above

Postcode

Telephone number:

As above

Fax number:

[Redacted]

E-mail address:

As above

**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:

[Empty box for date]

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:

[Empty box for period of statutory closure]

**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:

Hospital Field

Location:

Lees Road, Brabourne Lees, Ashford , Kent

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

[Empty box for common land register unit number]

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(8).*

**Note 8**

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

**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:

The neighbourhood of Brabourne Lees in the localities of the civil parishes of Brabourne and Smeeth

Tick here if a map is attached:

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

The land has been freely used by residents for a variety of pastimes, as detailed in the accompanying statements, without challenge for over 20 years.

This application seeks to protect the site and enable residents to continue enjoying these pursuits.

The site is also of historic interest, having been used as a field hospital for troops during the Napoleonic wars. Amateur historians frequently explore the site and artefacts from the period are often seen

**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**

Owner: Dr Christine Johnson

Note: KCC may own a sliver of land at the southwestern corner of the site. Title Nos. K414908 and K583931

Tenant: Mr WE Jeanes

**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.

**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.

**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.

**9. Voluntary registration – declarations of consent from any relevant leaseholder of, and of the proprietor of any relevant charge over, the land****10. Supporting documentation**

Evidence questionnaires from:

- |                           |  |
|---------------------------|--|
| 1. Dave Ansley            | 16.Karl Stevenson                        |
| 2. Anthony Crouch         | 17.Rebecca Stevenson                     |
| 3. RC and MC Davison      | 18.Master Samuel Stevenson               |
| 4. Allison Godfrey        | 19.Patrick Thornby                       |
| 5. Richard Graham         | 20.Roger Vining                          |
| 6. Michael Hickmott       | 21.Christine Young                       |
| 7. J and L Hill           | 22.Benedict O'Looney                     |
| 8. Mr and Mrs McRoberts   | 23.Mr TR Rother                          |
| 9. Terence Mortimer       | 24.Mrs Barbara Ruck                      |
| 10. Joanna Mortimer       | 25.Mr and Mrs Hayes                      |
| 11.Liz and Chris Ockenden | 26.Kay Bellwood, Ashley-Mark<br>Bellwood |
| 12.Andrea Parsons         |  |
| 13.Steven Reeves          | 27.Beavers                               |
| 14.Carolyne Reeves        |  |
| 15.Liam Smith             |  |

**11. Any other information relating to the application**

The owner is unlikely to agree with registration. As to the relevance of a planning application on the land, see covering letter

**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:

1st February 2016

Signatures:

**REMINDER TO APPLICANT**

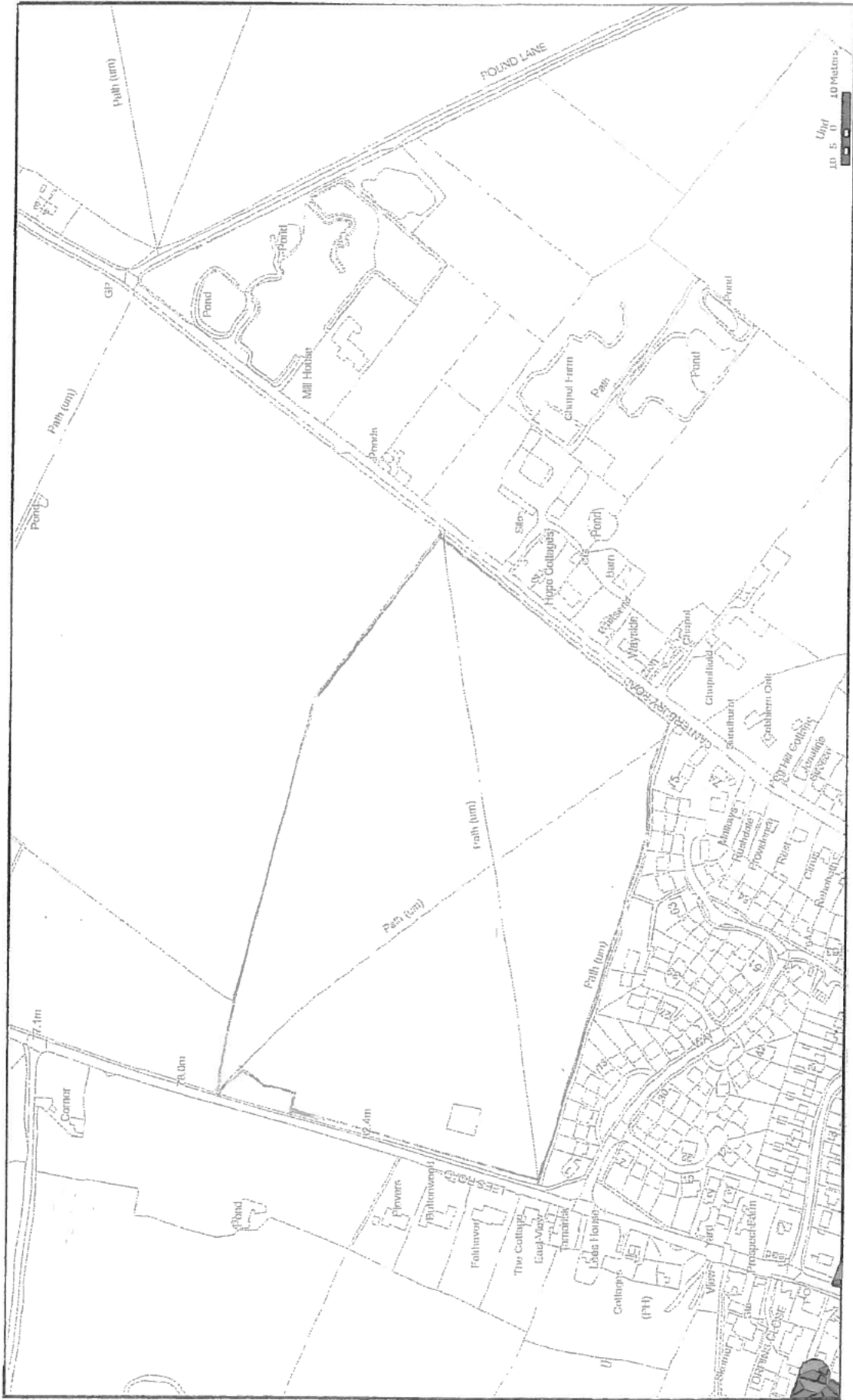
**You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.**

**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.*



"Hospital Field" Brabourne Lees in the parish of Brabourne

**STATEMENT IN SUPPORT OF APPLICATION TO REGISTER  
'HOSPITAL FIELD', BRABOURNE LEES  
AS A VILLAGE GREEN (QUESTION 7)**

The land which is the subject of this application has been in low level agricultural use (or left fallow at times) for many years, including the last 20 years. Its longer history includes use as a hospital during the Napoleonic Wars, a use which gave the field its local name. The field is understood to have been in the ownership of the Johnson family (resident in Devon) for some generations.

Over the last 20 years and longer the land has been used for a wide range of informal recreation pursuits and pastimes by a significant number of inhabitants of the neighbourhood of Brabourne Lees within the locality of Brabourne and Smeeth parishes. This has been done openly, peaceably and without force and without consent or objection from the owner. The full range of pursuits is described in the statements accompanying the application. It includes dog exercising and walking, family leisure outings with children and pets, ball games, picnics, model aircraft and kite flying, bird-flying, nature observation, horse riding, and also extensive use at times of significant snowfall for a variety of games and activities. The strength and probative value of evidence in this particular case is remarkable, since the source of so much of it is longstanding inhabitants of Brabourne Lees whose own properties overlook the field and have done so for the entire 20-year period. It is patently the case that use by residents of the neighbourhood indicates a general use for informal recreation rather than merely occasional use by trespassers.

The owner has never sought to challenge or restrict the informal recreational use and so no significant interruptions of use have occurred in the past 20 years and more. The nature of many of the recreation uses has also meant that in years when the land has been used for crop-growing, the two uses have continued to co-exist and this is clear from a number of statements/questionnaires.

The site is crossed by three Public Rights of Way (Footpaths AE274, 275 and 276). It is very clear from the statements/questionnaires that virtually all the informal recreation use of the land has been of the field as a whole, way beyond anything which could reasonably be regarded as merely use attributable to use of the footpaths.

Access to the field is available at many points around its perimeter, with footpaths crossing the site, regular gaps in hedgerows also affording access at various other points along Lees Road and Canterbury Road. Direct access is also available from an alleyway off Canterbury Road. The ease of access has doubtless contributed to its attraction to such large numbers of inhabitants.

In the view of Brabourne Parish Council, it is clear that all the relevant requirements of Section 15 of the Commons Act 2006 are met. In so far as the relevant land may be the subject of a current planning application, legal submissions in relation to this are set out in the covering letter sent with the application.

It is intended to provide the registration authority with a table summarising the evidence questionnaires/statements. This will be done as soon as the additional questionnaires currently being assembled are forwarded.

BRABOURNE PARISH COUNCIL