

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

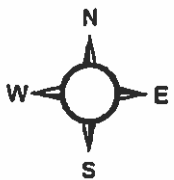
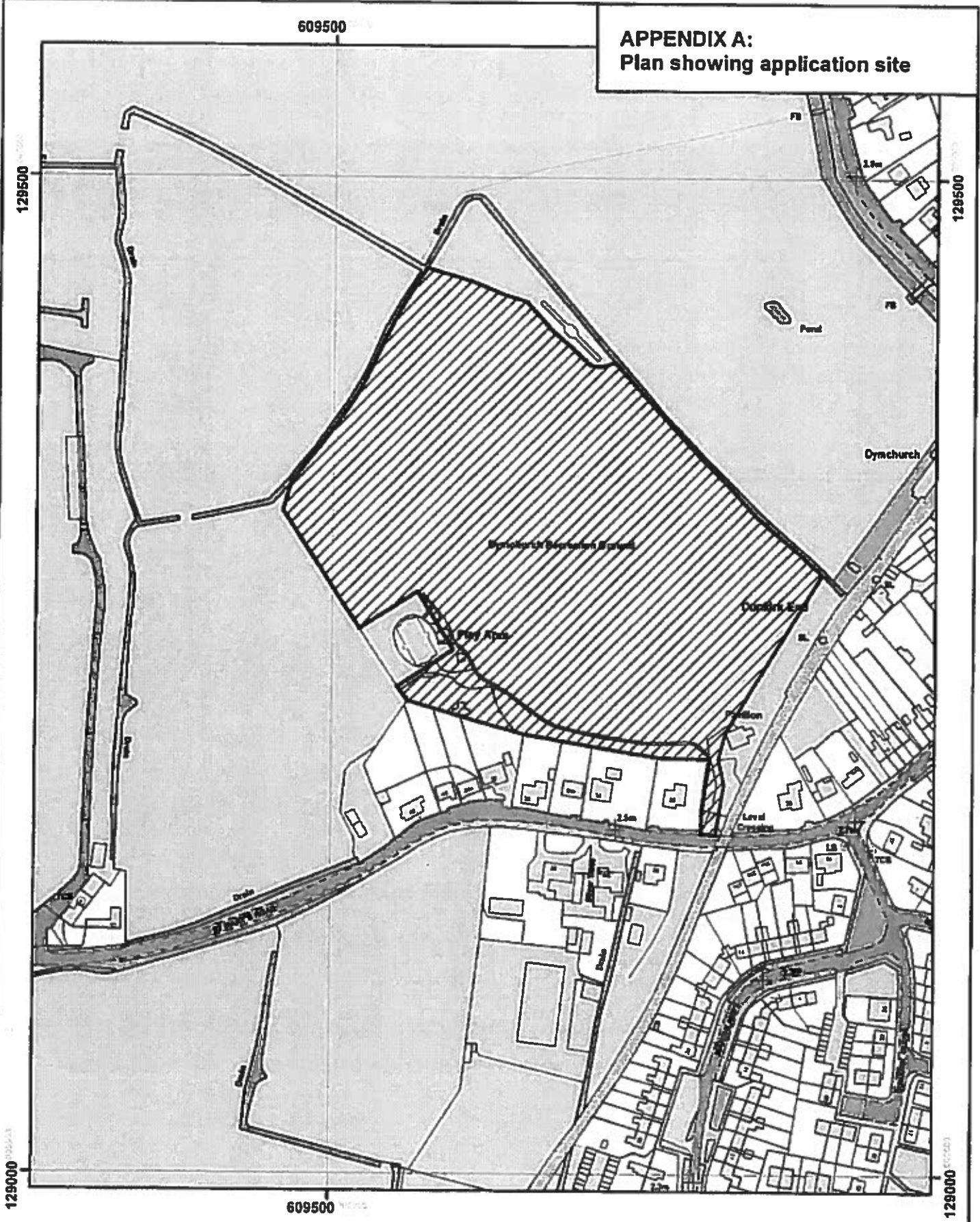
APPENDIX B – Copy of application form

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.

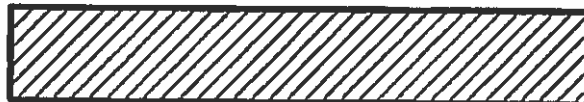
APPENDIX E - Response to the Parish Clerk's letter by the applicant.

APPENDIX A:
Plan showing application site



Scale 1:2500

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



Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024																																																																																																																																																
Population	1.1	1.15	1.2	1.25	1.3	1.35	1.4	1.45	1.5	1.55	1.6	1.65	1.7	1.75	1.8	1.85	1.9	1.95	2.0	2.05	2.1	2.15	2.2	2.25	2.3	2.35	2.4	2.45	2.5	2.55	2.6	2.65	2.7	2.75	2.8	2.85	2.9	2.95	3.0	3.05	3.1	3.15	3.2	3.25	3.3	3.35	3.4	3.45	3.5	3.55	3.6	3.65	3.7	3.75	3.8	3.85	3.9	3.95	4.0	4.05	4.1	4.15	4.2	4.25	4.3	4.35	4.4	4.45	4.5	4.55	4.6	4.65	4.7	4.75	4.8	4.85	4.9	4.95	5.0	5.05	5.1	5.15	5.2	5.25	5.3	5.35	5.4	5.45	5.5	5.55	5.6	5.65	5.7	5.75	5.8	5.85	5.9	5.95	6.0	6.05	6.1	6.15	6.2	6.25	6.3	6.35	6.4	6.45	6.5	6.55	6.6	6.65	6.7	6.75	6.8	6.85	6.9	6.95	7.0	7.05	7.1	7.15	7.2	7.25	7.3	7.35	7.4	7.45	7.5	7.55	7.6	7.65	7.7	7.75	7.8	7.85	7.9	7.95	8.0	8.05	8.1	8.15	8.2	8.25	8.3	8.35	8.4	8.45	8.5	8.55	8.6	8.65	8.7	8.75	8.8	8.85	8.9	8.95	9.0	9.05	9.1	9.15	9.2	9.25	9.3	9.35	9.4	9.45	9.5	9.55	9.6	9.65	9.7	9.75	9.8	9.85	9.9	9.95	10.0

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024																																																								
GDP	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	4.0	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	5.0	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	6.0	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	7.0	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024																																																								
Unemployment	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0	12.5	13.0	13.5	14.0	14.5	15.0	15.5	16.0	16.5	17.0	17.5	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5	25.0	25.5	26.0	26.5	27.0	27.5	28.0	28.5	29.0	29.5	30.0	30.5	31.0	31.5	32.0	32.5	33.0	33.5	34.0	34.5	35.0	35.5	36.0	36.5	37.0	37.5	38.0	38.5	39.0	39.5	40.0	40.5	41.0	41.5	42.0	42.5	43.0	43.5	44.0	44.5	45.0	45.5	46.0	46.5	47.0	47.5	48.0	48.5	49.0	49.5	50.0

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

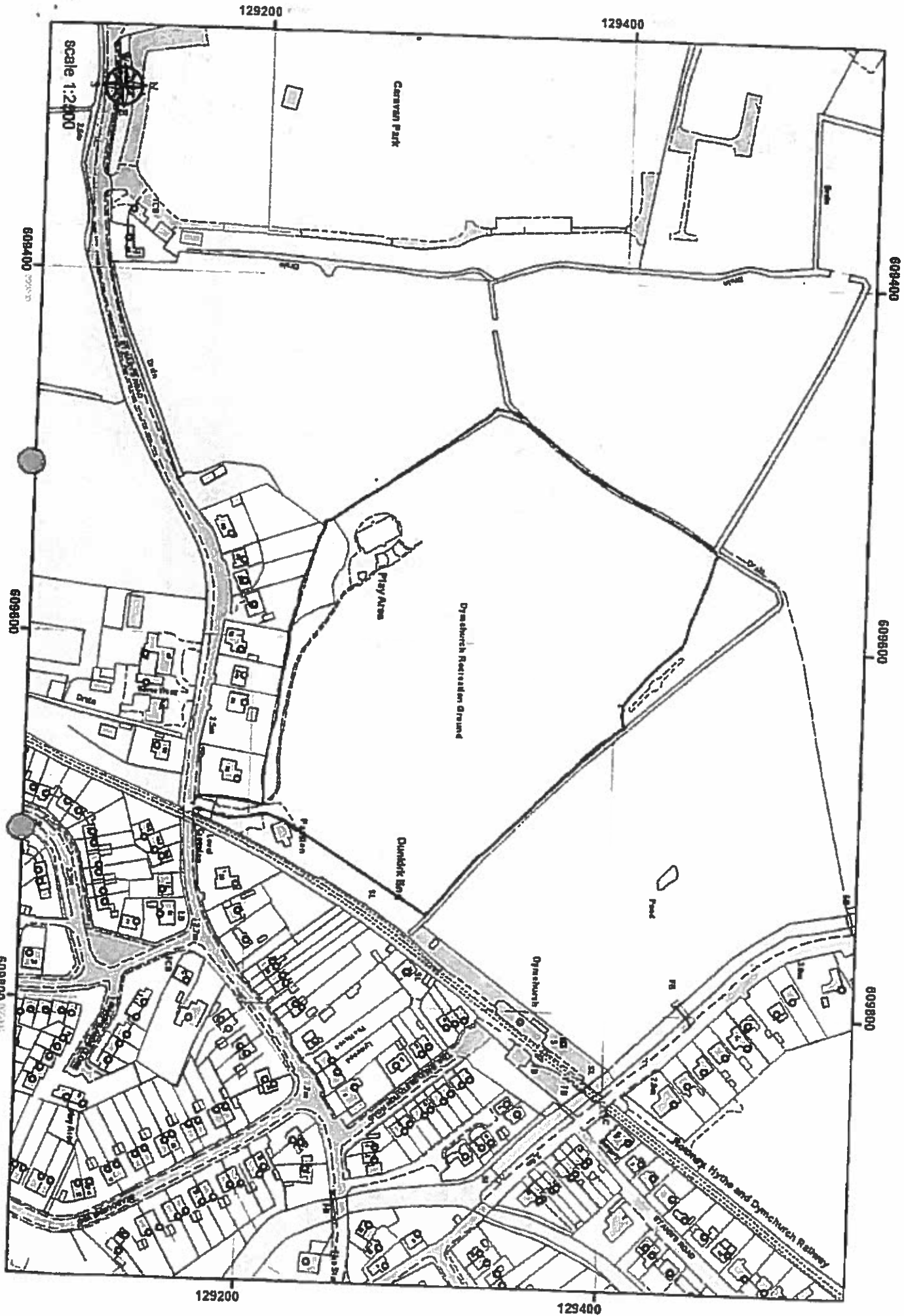
You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.

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.



129200

129400

scale 1:2,400

CARTMAN PARK

608400

Play Area

Dymchurch Recreation Ground

Quadrant Bldg

Dymchurch

Pond

609800

Steamer Hydro and Dymchurch Railway

129200

129400

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**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

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