

**Committee:** Commons and Village Green Registration Panel

**Date:** 6 April 2009

**By:** Director of Law & Personnel

**Title:** Application for land at The Hoe, Piddinghoe to be registered as a town or village green

**Purpose:** To consider the application

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## **Recommendation**

**To accept the application pursuant to section 15(8) of the Commons Act 2006 of Piddinghoe Parish Council to have land at The Hoe, Piddinghoe registered as a town or village green.**

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### **1. The Site**

1.1 The land is an irregularly shaped area to the west of St John's Church, between the River Ouse and the Lewes Road in Piddinghoe. Most of the area is grassed, with part of the area covered by a tennis court, and a small playground on the western edge. There is a wooded area on the eastern boundary. Photographs of the site are attached at Appendix 1.

### **2. The Law**

2.1 The Commons Act 2006 ('the Act') has a provision under Section 15(8) which allows for a landowner to apply to voluntarily register land as a town or village green without having to show that the land has met the usual qualifying criteria. Any land that is registered under Section 15(8) benefits from the same level of statutory protection as other registered village greens. Specifically, Section 15(8) states:

*(8) The owner of any land may apply to the commons registration authority to register land as a town or village green.*

This is subject to the caveat contained in Section 15(9):

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

2.2 The procedure for processing applications under Section 15(8) is very simple as there are no requirements for the registration authority to undertake a public consultation exercise. The registration authority must satisfy itself that the applicant is the landowner and that all relevant leaseholders and charge holders have consented to the application.

### **3. Application**

3.1 East Sussex County Council received the application from Piddinghoe Parish Council in February 2009 to register land at The Hoe, Piddinghoe as a new Village Green. Piddinghoe Parish Council has made their application under Section 15(8). A copy of the Application is attached at Appendix 2.

3.2 With their application the Parish Council exhibited a copy of Title Number ESX279451. This shows the Piddinghoe Parish Council as being the proprietor with title absolute of all the land subject to the application. There are no registered charges, although the register states:

*22.09.2004 – The deeds and documents of title having been lost the land is subject to such restrictive covenants as may have been imposed thereon before 22 September 2004 and are still subsisting and capable of being enforced.*

3.3 Also exhibited to the application was a letter from the Chairman of Piddinghoe Lawn Tennis Club to the effect that the club had no objection to the Parish Council's proposal. The Parish Council has sworn in its statutory declaration that the Tennis Club is the only relevant leaseholder.

#### **4. Conclusion and reason for Recommendation**

4.1 It is recommended that this application be accepted as all the necessary criteria have been met with regard to the voluntary registration of this land as a village green, and that the land be entered on the register of town or village greens.

ANDREW OGDEN  
Director of Law & Personnel

Contact Officer: Simon Bailey, Telephone 01273 82683  
Vicky James, Telephone 01273 481630

Local Member: Cllr David Rogers

Background Documents: None

Photographs of The Hoe, Piddinghoe



1.



2.



3.



4.





5.



6.



7.

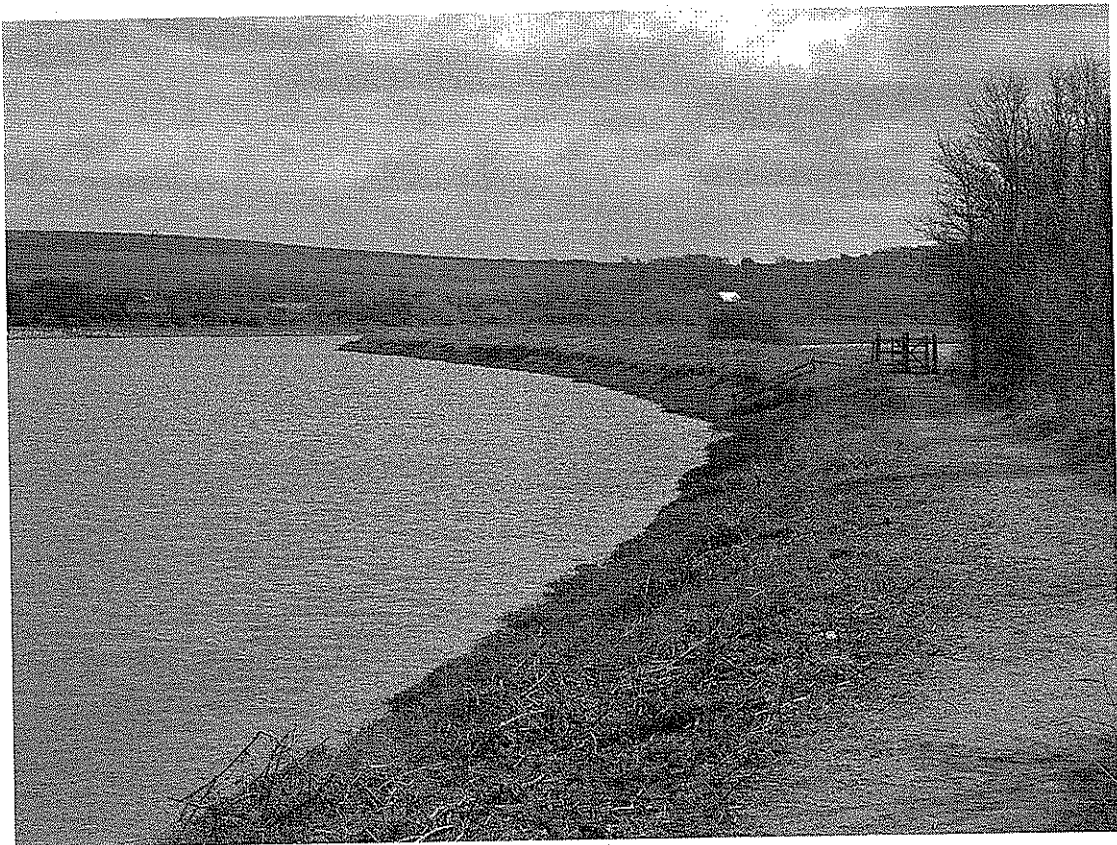


8.





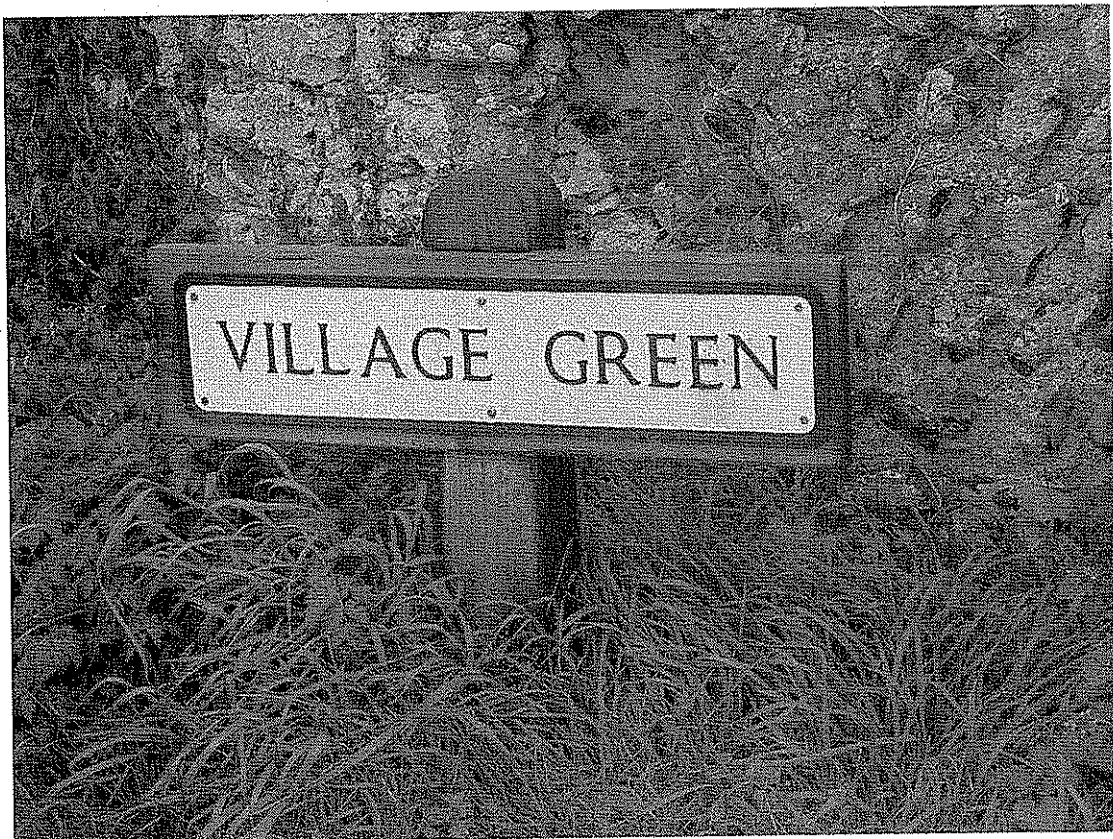
9.



10.



11.



12.



This is exhibit C referred to in the Statutory Declaration of Martin David Redman

Martin Redman

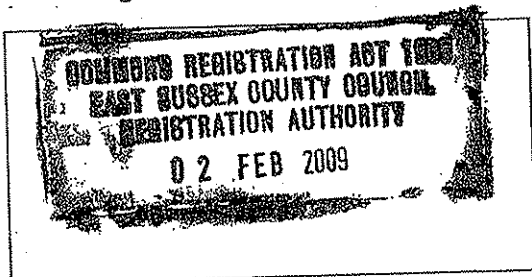
Solicitor

FORM 44

Commons Act 2006: Section 15

# Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:



Application number:

1355

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1-6 and 10-11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7-8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

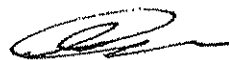
## Note 1

Insert name of registration authority.

## 1. Registration Authority

To the

East Sussex County Council

  
SOLICITOR

**Note 2**

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

**2. Name and address of the applicant**

Name:

Full postal address:

c/o Old School  
Village Green  
Piddinghoe  
Newhaven  
BN9 9AP

Postcode

Telephone number:

(incl. national dialling code)

Fax number:

(incl. national dialling code)

E-mail address:

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

Name:

Firm:

Full postal address:

Post code

Telephone number:

(incl. national dialling code)

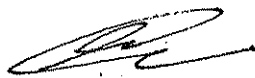
Fax number:

(incl. national dialling code)

E-mail address:

**Note 3**

This question should be completed if 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.

  
**SOLICITOR**

**Note 4**

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

\* 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.

**4. Basis of application for registration and qualifying criteria**

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under section 15(8): ☒

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

Section 15(2) applies:

☐

Section 15(3) applies:

☐

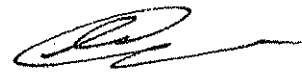
Section 15(4) applies:

☐

If section 15(3) or (4) applies please indicate the date on which you consider that use as of right ended.

If section 15(6)\* applies please indicate the period of statutory closure (if any) which needs to be disregarded.



  
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**Note 5**

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

\* Only complete if the land is already registered as common 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 or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

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

Name by which usually known:

THE HOE

Location:

To the north and east of the main settlement of Piddinghoe; edged red on the map, 1:1250, marked 'A' on the attachment to the statutory declaration. Part of ESX 279451

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) \*

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

Please 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 a map on which the area is clearly marked:

Parish of Piddinghoe

Tick here if map attached:



*[Signature]*

**SOLICITOR**

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

**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).*

  
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**Note 8**

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

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

8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land

**Note 9**

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Letter of 10th November 2008 from William F. Weir,  
Chairman of Piddinghoe Lawn Tennis Club  
(Document 'B')

10. Supporting documentation

**Note 10**

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

'A' Map, scale 1:1250. The land edged red.  
'B' Letter of 10th November 2008 from William F. Weir  
'C' Application (Form 44)



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

**Note 11**

*If there are 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.*

**Note 12**

*The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.*

Date:

29 January 2000

Signatures:



**REMINDER TO APPLICANT**

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

**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 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.

I Martin David Redman solemnly and sincerely declare as follows:

- 1 I am the person who has signed the foregoing application. (Document 'C')
- 2 The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those mentioned in part 10 of the application.
- 3 The map now produced as part of this declaration (Document "A") is the map referred to in part 5 of the application.
- 4 I hereby apply under section 15(8) of The Commons Act 2006 on behalf of Piddinghoe Parish Council to register as a green the land indicated on the map (Document "A") which land is included in title ESX 279451 and for which Piddinghoe Parish Council is the proprietor with title absolute.

I declare that the only relevant leaseholder is Piddinghoe Lawn Tennis Club and that its consent to this application is provided herewith (Document "B").

And I make this solemn declaration, conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared by the said Martin David Redman

at Newhaven, East Sussex

This 29<sup>th</sup> day of January 2009

Before me

Signature:

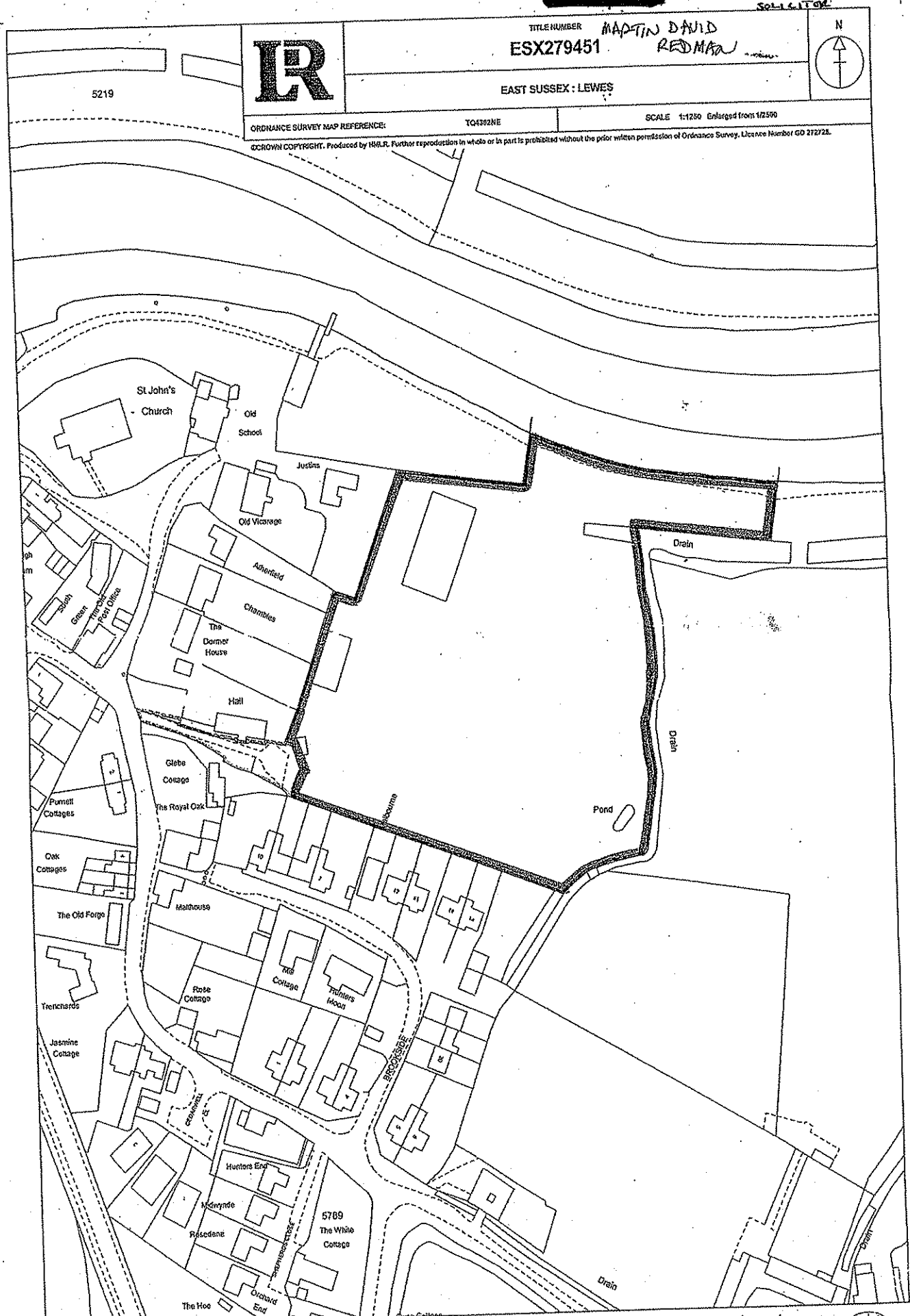
Address:

Qualification:

Marianne Cave  
Solicitor  
Barwells  
19 High Street  
Newhaven BN9 9PU

Exhibit A

This is exhibit A referred to in the  
Statutory Declaration of Martin David  
Redman



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







# Official copy of register of title

Title number ESX279451      Edition date 10.02.2005

- This official copy shows the entries in the register of title on 12 February 2009 at 10:16:08.
- 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 12 February 2009.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry Portsmouth Office.

## A: Property register

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

EAST SUSSEX : LEWES

- 1      (22.09.2004) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Recreation Ground, The Hoe, Piddinghoe, Newhaven.
- 2      (10.02.2005) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

## 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      (22.09.2004) PROPRIETOR: Piddinghoe Parish Council of Village Hall, Piddinghoe, East Sussex BN9 9AS.



Title number ESX279451

## C: Charges register

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

- 1 (22.09.2004) The deeds and documents of title having been lost the land is subject to such restrictive covenants as may have been imposed thereon before 22 September 2004 and are still subsisting and capable of being enforced.

End of register

This is exhibit B to the statutory declaration of Martin David Redman,

**PIDDINGHOE LAWN TENNIS CLUB**

SOLICITOR

7, Court Farm Close  
Piddinghoe  
NEWHAVEN  
BN9 9AR.

10th November 2008

Martin Redman,  
Clerk, Piddinghoe Parish Council.

Dear Martin,

**Proposed registration of The Hoe as a Village Green.**

As lessees of the tennis court on The Hoe from Piddinghoe Parish Council under the lease of seven years from 1st January 1996, under which the club is holding over, I write to confirm that the club has no objection to the proposal by the Parish Council to register the whole of The Hoe as a village green.

Yours sincerely

W.F. Weir

William F Weir.  
Chairman, Piddinghoe Lawn Tennis Club.