

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

**Date:** 6 April 2009

**By:** Director of Law & Personnel

**Title:** Application for land at The Pub Field, Nettlesworth Lane, Vines Cross to be registered as a town or village green

**Purpose:** To consider the application

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**Recommendation**

**To reject the application made pursuant to section 15 of the Commons Act 2006 by Mrs Thompson to have land at The Pub Field, Nettlesworth Lane, Vines Cross registered as a town or village green.**

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**1. The Site**

1.1 The site, known as 'Brewers Arms Pub Field' ('the land') is a rectangular piece of land which sits to the north of the Brewers Arms Public House and houses at Hurstshaw Gardens. The eastern, northern and western boundary is marked by woodland and shrubbery. Approximately half way up the western boundary which runs adjacent to Nettlesworth Lane, there is a single gate of approximately 10 feet in length. The Southern Boundary is fenced with two small gates which lead onto the field from the car park belonging to the Brewers Arms. A plan of the land can be found at appendix 1 and photographs of the land can be found at appendix 5. The land is owned by Amsbury Development Limited (Title Number ESX229819).

1.2 In 1994 the then owners of the land, Beards of Sussex Limited, leased the south west corner of the land to the Vines Cross Community Association ('VCCA') to build a children's play area. A gate leading to the play area was put into the southern fence to allow access.

1.3 In April 1998, Horam Parish Council made an application to East Sussex County Council to register the land as a Village Green. On 17 August 1999, Horam Parish Council requested the application be suspended for a period of 6 months and on 17 November 1999, Horam Parish Council formally withdrew the application.

**2 The Law**

2.1 The law is set out in Section 15 Commons Act 2006 ('the Act'). A guide to the law is attached at appendix 2, although each element of the statutory test is addressed in this report. In short the applicant must prove that the land has been used by a significant number of local inhabitants for lawful sports and pastimes 'as of right' for a period of twenty years. The Commons (Registration of Town and Village Greens)(Interim Arrangements)(England) Regulation 2007 apply to all applications made under the 2006 Act and govern how village green applications should be processed by Local Authorities.

### **3. The Application**

3.1 The Council received the application on 18 June 2007. The application was made pursuant to Section 15(1) of Commons Act 2006 by Mrs Beverley Thompson.

### **4. Consultations and Representations**

4.1 The application was advertised on site and in the Sussex Express on 11 April 2008 and copies of the application were available for viewing at County Hall, Lewes and Wealden District Council offices. The Local Member, Councillor Dowling, was informed of the application by letter dated 16 April 2008. Councillor Dowling has been in regular contact with the Council to request updates on the progress of the application. The Council have not received any correspondence from Wealden District Council or Horam Parish Council on this matter.

4.2 In May 2008 an issue was raised that the application was unsigned and not therefore compliant with the 2007 Regulations. The Applicant was contacted immediately and the application was signed and returned. The Application was therefore 'duly made' in accordance with the Regulations when it was signed by the applicant on 15 May 2008.

4.3 In order to follow correct procedure and to ensure full compliance with the 2007 Regulations, the application was re-advertised in the Sussex Express on 1 August 2008 and notices were put on site and sent to persons known to have an interest in the land.

### **5. Merits of the application**

5.1 The applicant asserts that the land has become a village green on the basis that the land had been used by a significant number of the local inhabitants for lawful sports and pastimes 'as of right' for not less than 20 years, and that this use had been continuous up to February 2006. The Applicant submitted 4 submissions and the following evidence in support of the application:

- Evidence Forms/Letters entitled 'memories of the field' from 11 people
- Photographs
- Extracts of Newspaper articles covering events which had taken place on the field
- The original village green application submitted by Horam Parish Council in April 1998 (withdrawn by Horam Parish Council in 1999)
- Correspondence between Horam Parish Council, East Sussex County Council and the Vines Cross Community Association ('VCCA') including minutes of meetings
- Letters from Mr Hillman and Mr Evans
- A further 15 letters from members of the public giving evidence in support
- Email correspondence
- 7 letters of support from members of the public
- 20 further photographs
- Sussex biodiversity record centre report
- DVD
- A copy of an advert placed in the Vines Cross village diary.

(All the above documents are available for inspection as background papers in the Members Room)

5.2 The objector Amsbury Developments Limited, represented by Gullands Solicitors, submitted evidence in rebuttal of the application (see below) and objected on the grounds that the applicant had failed to prove a significant number of local inhabitants had used the land 'as of right' for at least 20 years; had failed to define the locality or neighbourhood within a locality; and had failed to submit the application

within 5 years from the cessation of use 'as of right'. The following documents were submitted in support of their assertion:

- 2 Witness statements from Carl Goldsmith
- Witness statement from Maureen Goldsmith
- 2 Witness statements from Laurence Ryan exhibiting the lease between Beards of Sussex Ltd and the VCCA dated 21 February 1994 and the lease between Allcyber Limited and Carl Goldsmith dated 31 July 1998.
- Correspondence between the VCCA, developers and Allcyber
- Email from Lawrence Ryan; and
- Letter from Roxy Waddell dated 12 November 2008.

(All the above documents are available as background papers in the Members Room)

5.3 The evidence was received throughout a period starting from the submission of the application in June 2007 up to November 2008 with each party responding to the other's evidence and submissions.

### **The date on which the claimed use of the application land ceased**

5.4 The application has been made under Section 15(4) which states that any application must be made within 5 years beginning with the cessation of use 'as of right'. The application was made in June 2007. The Applicant asserts that use 'as of right' ceased in February 2006. It is therefore necessary to examine the nature of the claimed use of land for the 20 year period between February 1986 and when the applicant contends use 'as of right' ceased in February 2006 ("The Relevant Period") to determine whether or not the application should be accepted.

5.5 For reasons given later, I believe that use 'as of right' ceased by April 2001 and therefore this claim does not comply with the requirements of Section 15(4).

### **Have indulged 'as of right' for a period of not less than 20 years.**

5.6 The applicant has submitted evidence of the field being used from 1936 until 2008. Of the 27 members of the public that have provided evidence in support of this application, only 8 have provided clear dates of use from start to finish, all 8 demonstrating use at some point throughout the 'relevant period'. Unfortunately, evidence relating to exactly when the field was used by members of the public is vague as some evidence states only the 'earliest memory' of the field instead of providing specific dates. Notwithstanding this, the applicant provided enough evidence to show that the land has been used continuously, whether by right or with permission, throughout the relevant period. (See appendix 4)

5.7 For the statutory test to be satisfied, the use of the land during the 'relevant period' must be 'as of right'. This has been defined by case law in terms of 'without force, without secrecy and without permission'. The case of *Sunningwell*<sup>1</sup> considered the issue of 'as of right' and concluded that if a person uses the land without force, secrecy or permission, and the land owner does not stop that person or make it known that he has no right to be there, use becomes 'as of right'.

5.8 The objector claimed that use of the land 'as of right' ceased in July 1998 or in the alternative in January 2001 and provided evidence in support of this claim. I will consider each date in turn.

5.9 In July 1998 ownership of the land transferred to Allcyber Limited. Allcyber Limited leased the land (excluding the play area) to Carl Goldsmith and shut and locked the gates to the field. The lease granted Carl Goldsmith use of the land (excluding the children's play area) '*for the purposes of a recreational ground to be*

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<sup>1</sup> R v Oxfordshire County Council, ex p Sunningwell Parish Council (2001)

*used in conjunction with the licensed business carried on at the Brewers Arms...and at all times such use being under proper supervision*'. [para 4.5]. Carl Goldsmith organised annual beer festivals and tug of war competitions which took place with his permission.

5.10 I note in the papers provided by the Applicant, in an email from Councillor Stephens to the Parish Council dated 8 August 1999 he states:

*"The only access from a public highway is the gate on to Nettlesworth Road. This is kept locked at all times other than when it is opened by the pub licensee to allow grass cutting or vehicle/public access to events that are taking place with the express permission of the land owners"*.

5.11 Further to the action taken in 1998 by Allcyber Limited, in January 2001, as a result of Carl Goldsmith surrendering his tenancy of the Brewers Arms and terminating the lease, Allcyber took the decision not to re-lease the land. On 17 January 2001 Mr Laurence Ryan wrote to Horam Parish Council, Greene King and the VCCA informing that the land would be locked and unused save that consideration would be given upon request to permitting members of the public on the land for specific occasions such as bonfire night celebrations. The gates leading to the field, except the gate leading to the play area (which was subject to a separate lease), were padlocked and chained and a notice stating that the land was private with no access without permission was erected. The Applicant also submitted a letter from Allcyber Ltd to Keith Hillman, then landlord of the Brewers Arms dated 11 April 2007 which stated at paragraph 2 *"As the field is no longer let, it is now locked to prevent unauthorised and illegal use, e.g. trespass, use as a dogs' toilet, squatting, rubbish dumping."* Furthermore, the Minutes of the Parish Council meeting of 11 April 2001 confirm that the gates to the field were locked; *"....with the change of Landlord at the Brewers Arms, the field has been padlocked and the VCCA have been advised to lock the big gate from the Play Area so that there can be no access to the field. The play area remains in use"*. Consequently, any person wishing to use the field would either need to ask for permission from someone with a key or use force to enter the site. Any person using the land without permission, would I believe, be using the land with force and as such not 'as of right'.

5.12 The statutory test required the applicant to provide evidence that throughout the relevant period the land was used 'as of right'. It is the case that use 'as of right' ceased, at the latest in January 2001 therefore use 'as of right' only exists for 15 of the necessary 20 years. Although the land has been used continuously throughout the 20 year period (appendix 4), upon evaluation of the evidence it appears that use 'as of right' ceased before February 2006 and was not therefore continuous throughout the relevant period. The effect of this is that the statutory criteria cannot be satisfied. This point is considered in more detail below.

5.13 The applicant has submitted evidence that the field has been used for a variety of events and pastimes. Members will see from the table at appendix 3 that the majority of the evidence shows that the land was used for Bonfire and Fireworks, Tug of War competitions, hot air ballooning, village fetes, beer festivals and dog walking. For ease of consideration I have organised them into two categories; organised activities and impromptu recreation. I will consider each category in turn.

#### Organised activities

5.14 *Village Fete and November Bonfire* - Activities such as the annual Village Fete and November Bonfire were organised by the VCCA. The Village Fete is recorded to have taken place from between 1978 to 1994/1995. The evidence shows that the VCCA would obtain prior permission to use the land and on occasions, would take out insurance cover for these events. In his letter of support, Mr Smith states *'The bonfire was organised by people in the village John Williams from the Brewers Arms (the then land owner) would help us by letting us use the field'*

5.15 *Beer Festival and Tug of War* - Events such as the Beer Festival and Tug of War were events organised by John Williams and Carl Goldsmith whilst they were landlords of the Brewers Arms and attracted members of the public from surrounding neighbourhoods as well as local inhabitants. These events therefore took place with permission.

5.16 *Hot Air Balloons* - A local man would ask permission from John Williams or Maureen Goldsmith to use the field for the launching of hot air balloons. [Witness statement of Maureen Goldsmith, para 10]. This use was therefore with permission.

5.17 The evidence submitted by Carl and Maureen Goldsmith and Lawrence Ryan clearly shows that all of the above events were undertaken with prior permission and were not 'as of right'. This is also confirmed in some of the evidence submitted in favour of the application. In particular, in response to the question '*did anyone ever give you permission to be on the land?*' Miss S E Williams answered '*Yes, the landlord of the Brewers Arms*'.

#### Impromptu recreation

5.18 *Dog Walking* – 17 people have stated that they used the land for dog walking. The evidence suggests sporadic use and is vague on dates.

5.19 There is evidence that in or around 1978-1979, John Williams would remonstrate with persons walking on the field without his permission. Following these dates, there is no further evidence on use of the land for dog walking until 1994 when the children's playing field was erected.

5.20 Maureen Goldsmith observed that following the erection of the children's play area in 1994, individuals would walk their dogs on the field. She states that this was not '*constant but was casual*' [para 9]. As there is no evidence to suggest that the dog walkers were on the land '*with force, secrecy or permission*' the use after 1994 appears to be 'as of right'.

5.21 Following the evidence of use in 1994, there is no evidence relating to dog walking during the period after 1994 until 1999. In 1999 after the gates to the field had been locked by Allcyber, Mr Parkes-Crick telephoned Laurence Ryan, Director of Allcyber and asked whether he could continue to walk his dog on the land. Mr Ryan said that he could not agree to this request because he would have to let other people do the same. During 1999-2001 Carl Goldsmith observed that '*A small number of people (I would say no more than six) continued to use the field to walk their dogs from 1999 to 2001. I was regularly in conversation with them, informing them that they were should not be doing this as it was private property*'. [para 7 of 2<sup>nd</sup> witness statement dated 18 August 2008] I therefore conclude that during 1999-2001, use was not 'as of right'.

5.22 *Children Playing* – The evidence submitted in relation to children playing on the land and in the play area is vague. For example, it is not possible to identify specific periods of when children played on the field before the erection of the play area in 1994. The evidence suggests that children would play football or fly kites on the field and that they would sometimes 'overspill' from the play area onto the field. In the absence of evidence to the contrary, children playing on the land appeared to do so 'as of right'. It must however be noted that children playing in the children's play area were not on the land 'as of right' on account of the lease which granted permission for those children to be there. Further details of the lease can be found at para 1.2.

5.23 Following evaluation of the evidence submitted by both parties this element of the statutory test has not been satisfied as the applicant has failed to show that the land was used 'as of right' throughout the relevant period.

## **Has the application been brought within 5 years**

5.24 As mentioned earlier, section 15(4) requires that an application for a village green be made within 5 years of the cessation of use 'as of right' by a significant number of local inhabitants indulging in lawful sports and pastimes, where the use 'as of right' ceased before April 2007. As set out above, I believe that use 'as of right' finished at the latest in January 2001, consequently any application should have been made within 5 years of that date (by January 2006). The application was received on 18 June 2007. Should you conclude that use 'as of right' ceased in January 2001, the application would not therefore satisfy the requirement of section 15(4). There is no power within the regulations for the registration authority to extend the 5 year period.

## **Significant number of local inhabitants**

5.25 The use of the land must be by a 'significant number' of local inhabitants. What is classed as significant is to be determined on a case-by-case basis and was considered in the case of *McAlpine Homes*<sup>2</sup>. In this case, Sullivan J stated that the term 'significant' did not necessarily mean considerable or substantive but that the number of users was sufficient enough to indicate that their use of the land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers.

5.26 27 members of the public provided evidence of their use of the land and a further 7 people wrote letters of support. The applicant states that the population of Vines Cross is approximately 450 but has not explained how this figure has been calculated.

5.27 Members are again referred to appendix 3 which details activities which took place on the land. Members will observe that the number of people stating to have used the land for informal activities such as dog walking (17), children playing (10) and football (10) are lower than those who have used the land for organised events such as the annual fete (26) and Bonfire celebrations (22).

5.28 In order to assess whether a 'significant number' of local inhabitants used the land 'as of right' we must discount the use of the land that was with permission or force.

5.29 It is clear from the table at appendix 3 that the land was used by a large amount of people for organised events but those events took place with the permission of the landowner. There is evidence stating that a maximum of 17 people used the land for activities which appear to be 'as of right'. The statement of Lawrence Ryan (Director of Allcyber Limited) confirms that impromptu activities took place but were '*few and far between, if ever*'. Based on the above evidence use by 17 people I do not believe constitutes a 'significant number'.

5.30 I do not consider that this element of the statutory test has been satisfied.

## **Of any locality or neighbourhood within a locality**

5.31 The land must be used by the inhabitants of a locality, or of any neighbourhood within a locality. It has been determined that a locality must be a recognisable division of an area known to the law, such as a parish, borough or electoral ward<sup>3</sup>. Vines Cross falls within the Parish of Horam.

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<sup>2</sup> R (Alfred McAlpine Homes) v Staffordshire County Council [2002]

<sup>3</sup> R (Laing Homes Ltd) v Buckinghamshire County Council [2003]

5.32 A neighbourhood is a smaller area but has been identified by case law as having 'a sufficient degree of cohesiveness'<sup>4</sup> Vines Cross forms only a small part of the Parish of Horam and is isolated by countryside on all aspects. Vines Cross benefits from a Garage and obviously the Brewers Arms Public House and historically benefited from a general store, post office, church and school.

5.33 In order to identify the 'neighbourhood', the Applicant marked the area on a map (see appendix 1), claiming that the boundary was based upon the Vines Cross postal code and the catchment area of the Vines Cross Community Association ('VCCA') which is a registered charity (number 282999). The objector alleged that the applicant's definition of the neighbourhood was arbitrary and lacked cohesive qualities. A neighbourhood should have an identifiable community, and the VCCA in organising events and providing support for Vines Cross residents demonstrates that there is a degree of cohesiveness which, I believe is sufficient to suggest that the village itself is a neighbourhood.

5.34 I therefore believe that this element of the statutory test has been satisfied.

### **In lawful sports and pastimes**

5.35 The issue of what constitutes a 'lawful sport and pastime' was considered in the case of *Sunningwell*<sup>5</sup> where Lord Hoffman expressed his view that lawful sports and pastimes could cover any activity that could properly be described as a sport of pastime.

5.36 Members are directed to the table at appendix 3 which details the activities that have taken place on the land.

5.37 The evidence submitted for this application claims that land has been used for a variety of sports such as football, stoolball, cricket and rounders and pastimes such as blackberry picking, dog walking, fetes and festivals. These activities are clearly consistent with use as a village green and all fall within the criteria of 'lawful sports and pastimes'.

5.38 This element of the statutory test is satisfied.

### **Consideration of whether to hold a Public Inquiry**

6.1 The Commons (Registration of Town or Village Greens)(Interim Arrangements)(England) Regulations 2007 require that the Local Authority consults on the proposed Green before making a determination. This process has been completed and objections have been received.

6.2 The Authority retains discretion as to whether to hold an Inquiry, and must give consideration as to whether or not one should be held. An inquiry would be conducted by an independent Inspector or expert and would enable members of the public to put their view across in adversarial proceedings. The Inspector or expert would make recommendations and it would then be for the Authority to decide whether or not to accept any or all of those recommendations.

6.3 Those in favour or against the application have had the opportunity to put their representations and these have been made available to the Panel, in full, for Members to read in the usual way and are analysed in this report.

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<sup>4</sup> R (Cheltenham Builders Ltd) v South Gloucestershire District Council [2003] Justice Sullivan stated that a neighbourhood required a 'sufficiently cohesive entity which is capable of definition'.

<sup>5</sup> R v Oxfordshire County Council and Oxford Diocesan Board of Finance ex parte Sunningwell Parish Council [1999]

6.4 There has been extensive opportunity for people to make representations. The objector has maintained that if, upon consideration of the evidence the Council were not minded to refuse the application, a public inquiry should be held.

6.5 The cost implications and the further delay which would be introduced into the process in holding a public inquiry would also be considerable. In view of the nature and extent of representations and the issues raised, the extent of public debate that has already occurred so far, I am of the view that an objective and impartial consideration of the representations raised will be given by this Committee and do not consider that it is necessary or in the public interest to hold a public inquiry.

6.6 The Panel has discretion as to how to proceed. It can accept the officer recommendation put forward. It can adjourn the matter and seek further information. As set out above, the Panel can request that a public inquiry be held, although in this instance it is not thought necessary.

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

7.1 It is recommended that this application be rejected on the grounds that the statutory test has not been satisfied.

7.2 There is not evidence of use by a significant number of people, and use as of right ceased in January 2001 (therefore 5 years short of the required 20 year period), from which time use was with permission or with force. Furthermore, the application should have been made within 5 years of the date use 'as of right' ceased. This application was made on 18 June 2007; consequently, the requirements of section 15(4) have not been met.

ANDREW OGDEN  
Director of Law & Personnel

Contact Officer: Vicky James - Telephone 01273 481630

Local Member: Councillor Chris Dowling

Background Documents: Application together with supporting evidence, Statement of Objection, Applicant's comments on Objection with further evidence, Second Statement of Objection, Applicant's Third Submission of evidence, Letter of Objector commenting on Applicant's Third Submission, Applicant's response and Forth Submission of Evidence.

### Appendices

Appendix 1 – Application and Plans

Appendix 2 – Guide to the law

Appendix 3 – Table detailing sports & pastimes and number of users.

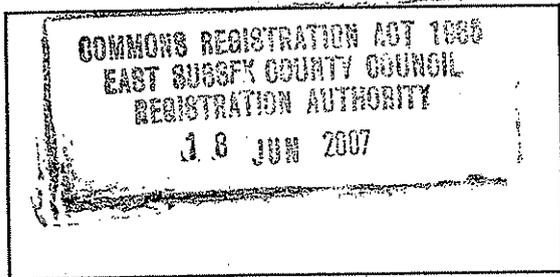
Appendix 4 – Table detailing years of use.

Appendix 5 – Photographs of the land

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:

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.

### 1. Registration Authority

To the

EAST SUSSEX COUNTY COUNCIL  
CHIEF EXECUTIVES DEPARTMENT  
LEGAL SERVICES  
PO BOX 2714  
THE CROFT,  
COUNTY HALL, LEWES, EAST SUSSEX, BN7 1AL

**Note 1**

Insert name of registration authority.

**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.

**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.

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

Name:

Full postal address:   
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 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.

FEBRUARY 2006

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

**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 PUB FIELD" — REFER TO SECTION 1

Location:

ADJACENT TO "THE BREWERS ARMS" PUBLIC HOUSE, NETTLESWORTH LANE, VINES CROSS, HEATHFIELD EAST SUSSEX, TN21 9EN

Shown in colour on the map which is marked and attached to the statutory declaration. (REFER TO MAP A)

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:

THE VINES CROSS NEIGHBOURHOOD IS DETAILED ON MAP B. THIS ASSESSMENT IS BASED ON THE VINES CROSS POSTAL CODE AND CATCHMENT AREA FOR MEMBERSHIP OF THE VINES CROSS COMMUNITY ASSOCIATION. ALL PERSONS OVER THE AGE OF EIGHTEEN ARE MEMBERS WITH VOTING RIGHTS

Tick here if map attached:

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).

PLEASE REFER TO SECTION 2.

THE PUB FIELD HAS BEEN USED CONSISTENTLY BY VINES CROSS RESIDENTS SINCE (AT LEAST) THE 1930'S FOR A WIDE RANGE OF IMPROMPTU ACTIVITIES INCLUDING BLACKBERRYING, SLOE PICKING, CRICKET & FOOTBALL MATCHES, TUG OF WAR COMPETITIONS, BONFIRE & FIREWORK DISPLAYS, DOG WALKING, KITE FLYING, PICNICS AND EASTER EGG HUNTS.

THERE HAVE ALSO BEEN A NUMBER OF LARGER, MORE FORMALLY ARRANGED, EVENTS E.G. VILLAGE FETE, BEER FESTIVALS, LOCAL MOTOR CLUB MEETINGS.

DURING THE LATE 1930'S AN ATTEMPT WAS MADE TO REGISTER THE FIELD AS A VILLAGE GREEN BUT THE APPLICATION WAS WITHDRAWN AFTER MEETINGS BETWEEN THE THEN OWNERS ALLYBEE, THEIR SOLICITORS, HORAT PARISH COUNCIL AND THE VCCA.

WE HAVE RECOVERED AS MUCH INFORMATION RELATING TO THIS APPLICATION AS WE ARE ABLE BUT MUCH OF THE DOCUMENTATION HAS BEEN DISPOSED OF.

**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).

**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).

**Note 10**

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

Please use a separate sheet if necessary.

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

AMSBURY DEVELOPMENTS LIMITED  
(COMPANY REG. NO. 4095428)  
LADHAM HOUSE  
LADHAM ROAD  
GOLDHURST  
CRANBROOK  
KENT, TN17 1DB

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

N/A

10. Supporting documentation

PLEASE REFER TO SECTION 2

ORIGINAL DOCUMENTS MAY BE VIEWED, WITH  
PRIOR AGREEMENT, AT [REDACTED]

[REDACTED]

11. Any other information relating to the application

PLEASE REFER TO SECTION 3

**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:

15<sup>th</sup> May 2008

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.*

## Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

<sup>1</sup> Insert full name (and address if not given in the application form).

I Beverley.....<sup>1</sup> solemnly and sincerely declare as follows:—  
JANE THOMPSON

<sup>2</sup> Delete and adapt as necessary.

1.<sup>2</sup> I am (~~one of the persons~~ <sup>BJT</sup> who (has) (~~have~~ <sup>BJT</sup>) signed the foregoing application) (~~the solicitor to (the applicant) (<sup>3</sup> one of the applicants)~~ <sup>BJT</sup>).

<sup>3</sup> Insert name if Applicable

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 (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

Complete only in the case of voluntary registration (strike through if this is not relevant)

4.<sup>4</sup> I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/

Continued

been received and are exhibited with this declaration, or  
(iii) where no such consents are required, a declaration to that effect.

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

at Dawson Hunt Solicitors

this 14<sup>th</sup> day of June 2007

[Redacted Signature]

Signature of Declarant

Before me \*

Signature:

*L Macdonald*  
L MACDONALD

Address:

Dawson Hunt  
Solicitors  
The Old Grammar School  
Church Street, Uckfield  
East Sussex TN22 1DP

Qualification:

Commissioner for Oaths

\* The statutory declaration must be made before a justice of the peace, practising  
solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the  
application and accompanying evidence.

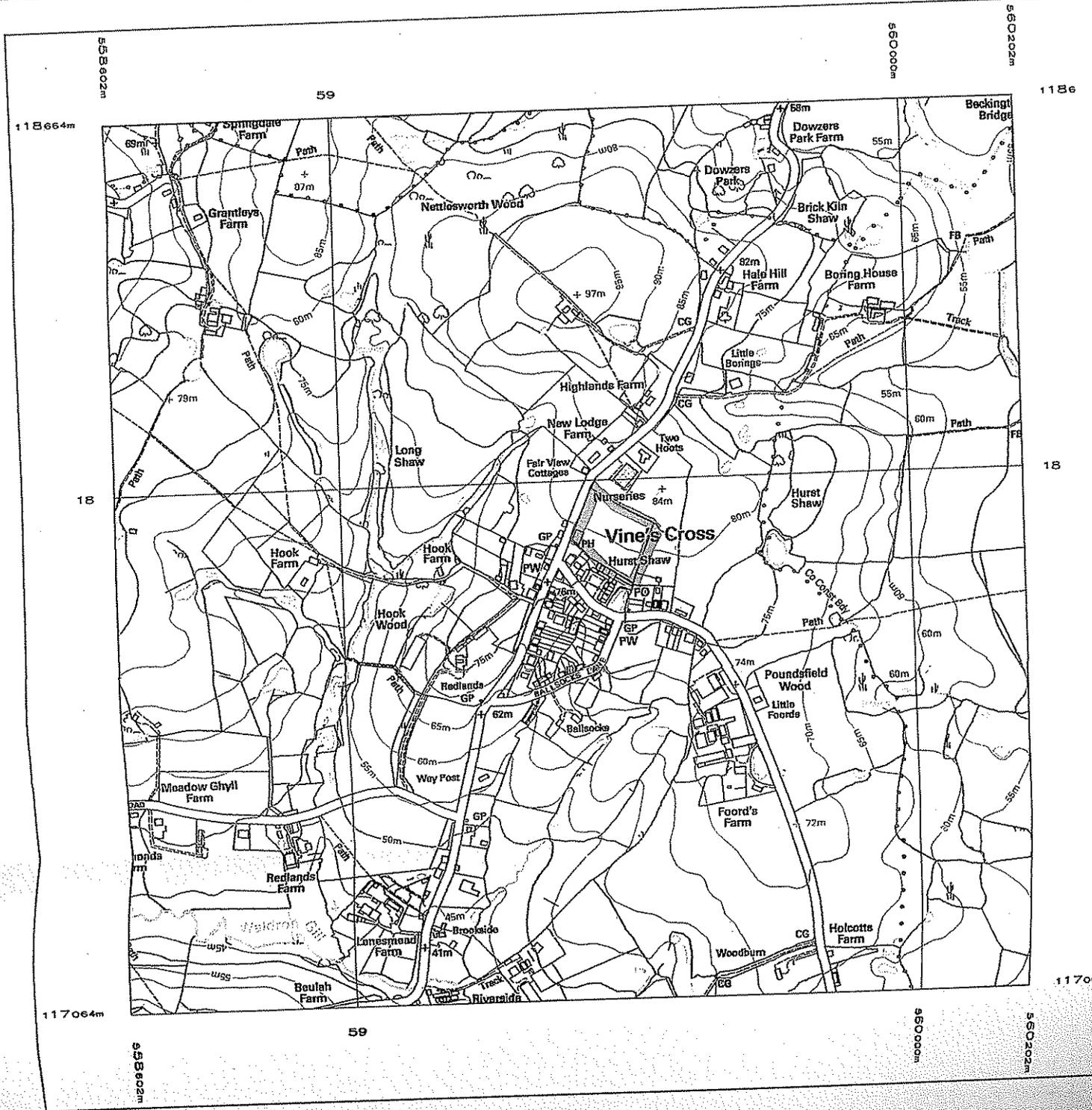
REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

Exhibit A  
Amaseew



OS Landplan®



Plotted 02 May 2007 from Ordnance Survey  
digitally derived data.

Produced using significant survey information  
from Ordnance Survey large scales digital data,  
and incorporated into OS Landplan Jul 2005 - Aug 2005.

Contours are at 5 metre intervals.

Heights are given in metres above Newlyn Dat  
The representation of a road, track or  
path is no evidence of a right of way.

This is exhibit marked 'A' referred to in the statutory declaration  
of Beverley Jane Thompson made this 14<sup>th</sup> day of June 2007

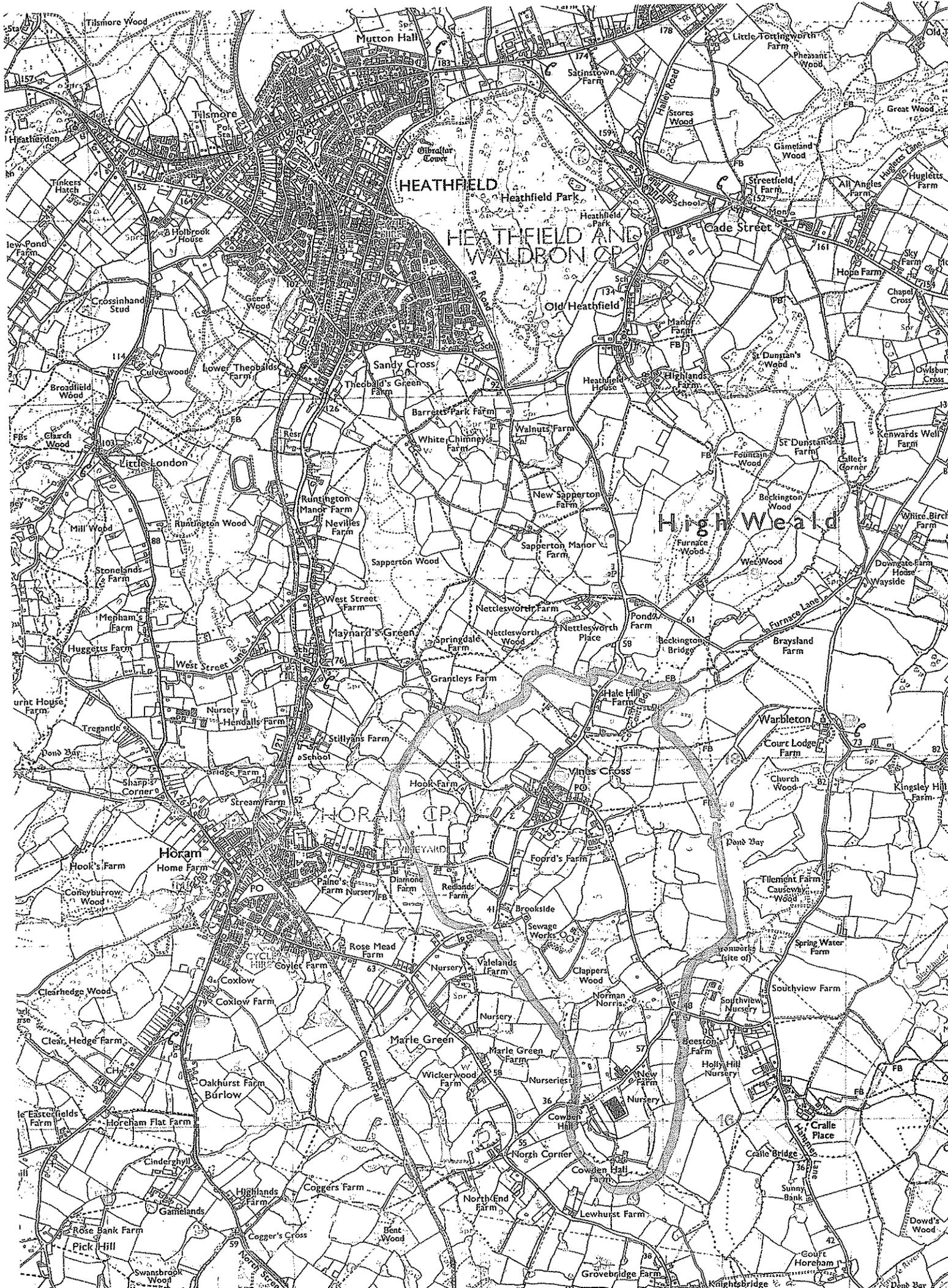
Before me

~~deceased~~

L MACDONALD

Commissioner for Oaths.

Dawson Han  
Solicitors  
The Old Grammar School  
Church Street, Uckfield  
East Sussex TN22 1P



HEATHFIELD

HEATHFIELD AND WALDRON CP

High Weald

HORAM CP

Horam

Marle Green

Warbleton

Hook's Farm

Home Farm

Paine's Farm

Dinwiddie Farm

Redlands Farm

Foprd's Farm

Brookside

Sewage Works

Valelands Farm

Clappers Wood

Norman Norris

Coreyburrow Wood

Coxlow Farm

Coxlow Farm

Rose Mead Farm

Nursery

Valelands Farm

Clappers Wood

Norman Norris

Southview Farm

Spring Water Farm

Church Wood

Kingsley Hill Farm

Clear Hedge Wood

Clear Hedge Farm

Oakhurst Farm

Burlow

Marle Green

Wickerwood Farm

Nurseries

New Farm

Holly Hill Nursery

Beeston Farm

Southview Nursery

Spring Water Farm

Clear Hedge Farm

Oakhurst Farm

Burlow

Marle Green

Wickerwood Farm

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Wickerwood Farm

Nurseries

New Farm

Holly Hill Nursery

Beeston Farm

Southview Nursery

Spring Water Farm

Exhibit B

*[Handwritten signature]*

This is exhibit B referred  
to in the statutory declaration  
of Berenley Jane Thompson  
made this 14<sup>th</sup> day of June  
2007

Before me

*[Handwritten signature]*

*[Handwritten signature]*

Commissioner for Oaths

**Dawson Harri**  
Solicitors  
The Old Grammar School  
Church Street, Uckfield  
East Sussex TN22 1BT

## Appendix 2

### Village Green Applications

#### Guide to the law

The purpose of this Appendix is to provide a guide to the legislation regarding the registration of land as a town or village green (referred to throughout the rest of this Appendix as 'village green'). The law changed in 2006 with the introduction of the Commons Act 2006. This was partly in response to a line of cases in the upper courts concerning village green applications and their use in challenging development.

A registered village green has the benefit of the protection of two Victorian statutes: the Inclosure Act 1857 and the Commons Act 1876<sup>1</sup>. The Inclosure Act 1857 s12 prevents nuisances on the land, such as the deposit of matter on the land or injury being caused, by giving power to the parish council to bring prosecutions. The Commons Act 1876 s29 sets out that any interference with the soil of a village green will be deemed a public nuisance, unless it is provided for the better enjoyment of the green. It is this section that effectively prevents development on the land.

The County Council's involvement is that we have a statutory duty to maintain a register of village greens as the commons registration authority. This duty was imposed by virtue of the Commons Registration Act 1965 and continues through the provisions of the 2006 Act. This duty includes determining applications into whether land should be included on the register

The registration of land as a village green is now governed by the Commons Act 2006 s15. It states:

#### 15 Registration of greens

- (1) Any person may apply to the commons registration authority to register land to which this part applies as a town or village green in a case where subsection (2), (3) or (4) applies.
- (2) This subsection applies where-
  - (a) 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; and
  - (b) they continue to do so at the time of the application.
- (3) This subsection applies where-
  - (a) 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; and
  - (b) they ceased to do so before the time of the application but after the commencement of this section; and
  - (c) the application is made within the period of two years beginning with the cessation referred to in paragraph (b).
- (4) This subsection applies (subject to subsection (5)) where-

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<sup>1</sup> Oxfordshire County Council v Oxford City Council and anor [2006] UKHL 25 – 'The Trap Grounds'

- (a) 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; and
- (b) they ceased to do so before the commencement of this section; and
- (c) the application is made within the period of five years beginning with the cessation referred to in paragraph (b).

(5) Subsection (4) does not apply in relation to any land where-

- (a) planning permission was granted before 23 June 2006 in respect of the land;
- (b) construction works were commenced before that date in accordance with that planning permission on the land or any other land in respect of which the permission was granted; and
- (c) the land-
  - (i) has by reason of any works carried out in accordance with that planning permission become permanently unusable by members of the public for the purposes of lawful sports and pastimes; or
  - (ii) will by reason of any works proposed to be carried out in accordance with that planning permission become permanently unusable by members of the public for those purposes.

(6) In determining the period of 20 years referred to in subsections (2)(a), (3)(a), (4)(a), there is to be disregarded any period during which access to the land was prohibited to members of the public by reason of any enactment.

(7) For the purposes of subsection (2)(b) in a case where the condition in subsection (2)(a) is satisfied-

- (a) where persons indulge as of right in lawful sports and pastimes immediately before access to the land is prohibited as specified in subsection (6), those persons are to be regarded as continuing so to indulge; and
- (b) where permission is granted in respect of use of the land for the purposes of lawful sports and pastimes, the permission is to be disregarded in determining whether persons continue to indulge in lawful sports and pastimes on the land "as of right".

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

(9) An application 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.

(10) In subsection (9)-

"relevant charge" means-

- (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c.9);
- (b) in relation to land not so registered-
  - (i) a charge registered under the Land Charges Act 1972 (c.61); or
  - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c.20), which is not registered under the Land Charges Act 1972;

"relevant leaseholder" means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.

The Act does not provide a definition of a village green, but does provide that land meeting the criteria above can be registered as a village green. An analysis of the criteria is provided below.

## **Land**

The 2006 Act applies to all land in England other than the New Forest, Epping Forest and the Forest of Dean (s15(1)). It states that it applies to land covered by water (Interpretation s61(1)), so an application that included a pond could be entertained.

## **Significant Number**

What is a significant number is to be judged on a case by case basis, following the decision in *McAlpine Homes v Staffordshire County Council* (2002)<sup>2</sup>. It does not have to be considerable or substantial. The evidence provided in support of the application should show that the land is in general use by the local population rather than sporadic use by trespassers.

## **Locality, or neighbourhood within a locality**

This is a concept that can be hard to grasp. It is not enough to say that the land is used; the land has to be used by people living near the land. The presence of people from outside the locality is not fatal to an application, but the predominant use should be by the local inhabitants<sup>3</sup>.

A locality has been defined as an area known to the law, such as a parish or an electoral ward<sup>4</sup>. This may lead to evidential problems as the area may be quite large and the question of what is a 'significant number' of that area may be raised.

For this reason the idea of the 'neighbourhood within a locality' has been introduced to the criteria. What the applicant should not do is draw an arbitrary line around all the addresses of the people who gave evidence to delineate a 'neighbourhood'<sup>5</sup>. If the neighbourhood is to be relied on then it must have a certain degree of cohesion, have recognizable features. A small village within a large parish, or a distinct part of a built-up area that has retained such features as local shops, a pub or two, a church or such other features of a settled community could be considered to be a 'neighbourhood'.

## **As of right**

This criteria used to be referred to by the Latin phrase *Nec vi, nec clam, nec precario* or Without force, without secrecy, without permission.

An early case in the line of recent litigation examined the phrase "as of right". In the *Sunningwell* case it was decided that the phrase did not mean that each user has to use the land with the belief that he is entitled to do so<sup>6</sup>. The court held that what was important was how the use appeared to the owner, not what the users were thinking.

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<sup>2</sup> [2002] EWHC 76 (Admin)

<sup>3</sup> *R v Oxfordshire County Council ex parte Sunningwell Parish Council* [1999] 2 EGLR 94

<sup>4</sup> *MoD v Wiltshire County Council* [1995] 4 All ER 931

<sup>5</sup> *Cheltenham Builders Ltd v South Gloucestershire District Council* [2003] EWHC 2803

<sup>6</sup> see note 3

As to the elements: without force – if the land is only accessible through the use of force, by breaking a gate or climbing a fence then the use will not be ‘as of right’. Without secrecy – the use should be open and overt to the landowner. Without permission – the use of the land must be without the permission of the landowner, which does not need to be a written permission. Signs on the land stating that the use was with the permission of the landowner would be enough to negate an application. Signs forbidding entry might be sufficient as the use could be considered to be with force and therefore not ‘as of right’<sup>7</sup>.

A case in Sunderland examined the position whereby a local authority who provided sports facilities and seating and kept the grass mown. It was held that this was not sufficient to imply that permission was being granted, and that the land could be registered<sup>8</sup>.

The test, as set out in another case, is how things appear to the landowner and his reactions<sup>9</sup>.

The 2006 legislation has a built in safeguard for situations where use of the land is challenged, by either fencing or notices. S15(3) allows a period of two years from the cessation of use of the land as of right for an application to be made. S15(7) covers the situation whereby a landowner seeks to frustrate an application by granting permission for the lawful sports and pastimes to continue once the land has already been used as of right for twenty years; the subsection states that such use is to be regarded as continuing to be ‘as of right’.

### **Lawful sports and pastimes**

What qualifies as a lawful sport or pastime has been the subject of many Court and Commons Commissioner decisions. Organised sports such as football and cricket qualify, as do informal leisure activities such as dog walking, kite flying and community events such as fetes. There is no need for the same activities to continue throughout the year and again it is how the pattern of use appears to the landowner that is important to determine whether the users appear to be exercising a right.

### **For a period of twenty years**

It is not the case that each user must have used the land for twenty years. The use over that time-period can be made up of as many users as is needed to present a picture of continuous use of the land by local residents for at least twenty years.

### **The application process**

The process begins with the applicant completing and submitting a CR44 Form and evidence to the County Council. There is a review of the application and then a notification exercise and objection period. The evidence is weighed up and a decision taken.

The determination of the application for a new village green is based on a consideration at the outset of the application form. An application can be rejected if the application is not properly made, or is technically deficient. An opportunity to

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<sup>7</sup> see note 5

<sup>8</sup> R(Beresford) v Sunderland City Council [2002] QB 874

<sup>9</sup> R (Laing Homes Ltd) v Buckinghamshire County Council [2003] EWHC 1578 (Admin)

address such a defect should be afforded to the applicant if the defect is easily remedied.

When an application is submitted it is usually accompanied by user evidence that the applicant has gathered. Sometimes this is in the form of historical research, setting out the history of the land, and sometimes this is in the form of questionnaires completed by users of the land.

If an application is initially accepted then the appropriate District and Parish Councils are notified and the application is advertised by way of notices on the site and public notices in the relevant local newspaper. Anyone identified as a landowner in the application is also notified. This gives an opportunity for objections to the application to be raised and also further support to be submitted during a six week notification period.

All the information is then considered. Often the evidence is overwhelmingly one-sided and the recommendation is an obvious one. If the evidence is finely balanced then a public hearing before an expert or a planning inspector is organised. A report following the hearing is written by the expert/inspector with a recommendation. This forms the basis of the report to the Committee with a recommendation, which is usually accepted by the Committee.

There is no set method by which an application has to be determined. Some authorities use delegated officer powers, others use a Committee or Lead Member resolution. In reaching a decision on the evidence, again there is no set process. Some authorities rely on officer judgement, others will hold a hearing before Members while others will hold a non-statutory public inquiry into the application in order for a planning inspector or an expert to hear the evidence before coming to a conclusion, which the party determining the application can accept or reject.

### **Rights of Appeal**

When the County Council decides to accept an application the land is entered on the Council's register of town or village greens. It is then open to the landowner to make an application to the Secretary of State under s16 Commons Act 2006 to have the land de-registered, provided the land is under 200 square metres. If the land is over 200 square metres the application to the Secretary of State must include a proposal that alternative land is registered in its place. The County Council is not involved in this process.

If the County Council declines to accept the application the only right of appeal is a judicial review.

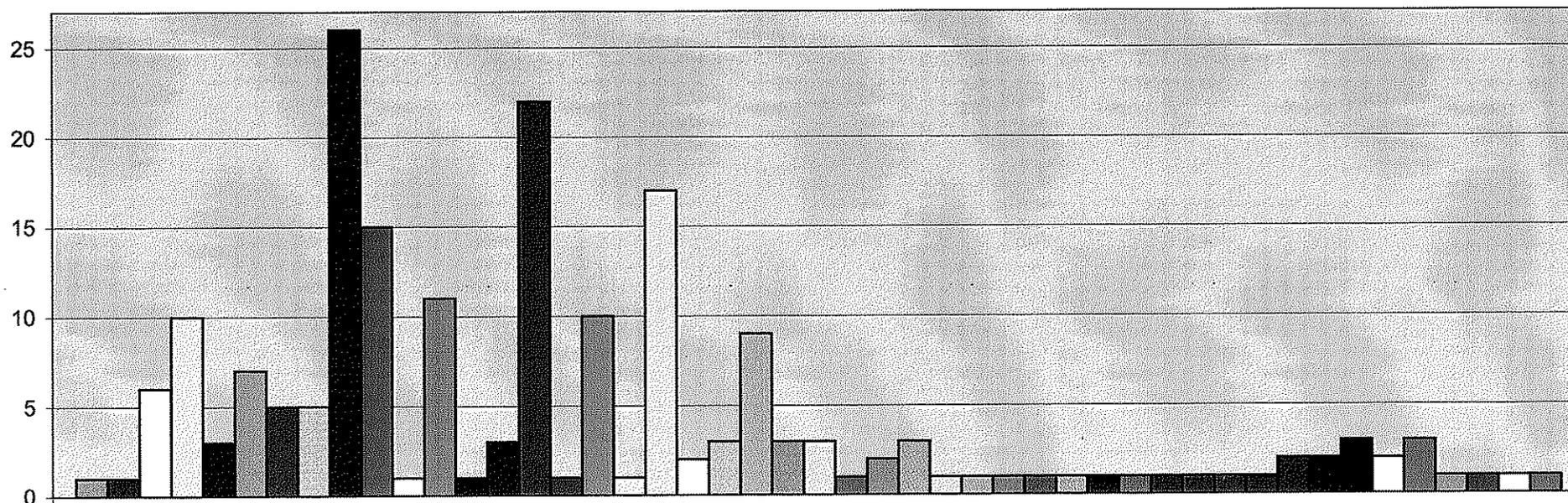
### **Outline**

An outline of the application process as exercised by the County Council at present is set out below.

Step No.	Event	Action to be taken
1	Application received	Stamp/Date it
2	Preliminary matters	<ul style="list-style-type: none"><li>o Give it an application number</li><li>o Letter to applicant stating application number</li></ul>

		<ul style="list-style-type: none"> <li>○ Open file</li> <li>○ Land Registry search</li> </ul>
3	Preliminary examination of Application	<ul style="list-style-type: none"> <li>○ Ensure Application is "duly made"</li> <li>○ If "no" then go to step 4</li> <li>○ If "yes" then go to step 6</li> </ul>
4	Return Application to applicant	Letter explaining why Application is not duly made, giving time-period for remedying defect
5	Rejection of Application	Letter to applicant rejecting Application
6	Secondary examination of Application	<ul style="list-style-type: none"> <li>○ Prepare Notification to:</li> <li>○ Site Notice</li> <li>○ Interested councils</li> <li>○ Local newspaper</li> <li>○ Owners</li> <li>○ Potential objectors</li> <li>○ Local ESCC Member</li> </ul>
7	Statutory six week objection period	
8	Receipt of objections	<ul style="list-style-type: none"> <li>○ Acknowledge receipt</li> <li>○ Forward objection to applicant for comment/rebuttal evidence</li> </ul>
9	Receipt of rebuttal comments	Acknowledge receipt
10	Consideration of Application	<ul style="list-style-type: none"> <li>○ Consider evidence provided by applicant and objections</li> <li>○ Determine best way to proceed</li> <li>○ If evidence is finely balanced go to step 11</li> <li>○ If evidence is obvious go to step 12</li> </ul>
11	Set up a public hearing	<ul style="list-style-type: none"> <li>○ Contact either PINS or a barrister to hear the evidence in person</li> <li>○ Hold hearing</li> <li>○ Consider report</li> </ul>
12	Report to Committee	<ul style="list-style-type: none"> <li>○ Write report in draft</li> <li>○ Submit for approval</li> <li>○ Write final report with recommendation</li> <li>○ Send report to applicant</li> </ul>
13	Determination by Committee	May accept or reject recommendation
14	Notify applicant of outcome	
15	If successful amend the register of town or village greens	

### Appendix 3 - Lawful Sports and Pastimes & Number of Users



- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>■ tennis court</li> <li>□ Football</li> <li>■ Flying Kites</li> <li>■ Tug of War</li> <li>■ Fishing in pond</li> <li>■ Wedding reception Marquee</li> <li>□ Dog exercising/training/shows</li> <li>■ Beer Festival</li> <li>■ Vintners Association annual meetings</li> <li>■ Vintage Motorbike events - from arrival</li> <li>■ picnics</li> <li>■ sheep dog trials 1996's</li> <li>■ produce sales (country fayre) 1960's</li> <li>■ horse show/pony club meetings</li> <li>■ rugby matches</li> <li>□ Fox hunting meetings</li> </ul> | <ul style="list-style-type: none"> <li>■ Coronation Celebrations</li> <li>■ Rounders</li> <li>■ Stoolball</li> <li>□ Camping</li> <li>■ Charity Bootsales</li> <li>■ childrens play area/children playing</li> <li>□ nature study</li> <li>■ Carol Singing/father christmas</li> <li>■ Auction 1980's</li> <li>■ Boomerang throwing - 1996</li> <li>■ french bowls</li> <li>■ sheep grazing</li> <li>■ Easter egg hunts</li> <li>■ music festival</li> <li>■ motor club usage for driving skills</li> <li>■ flyball</li> </ul> | <ul style="list-style-type: none"> <li>□ Blackberrying/fruit picking</li> <li>■ Cricket</li> <li>■ Bonfire and Fireworks</li> <li>■ Hot Air Ballons</li> <li>■ Fete</li> <li>□ Model Aircraft flying</li> <li>■ Flower Shows</li> <li>■ 50th Anniversary of V E Day celebrations</li> <li>■ Caravan</li> <li>■ Powered gliders op cit</li> <li>■ live concerts 1980's</li> <li>■ children activities</li> <li>■ soap box racing</li> <li>□ Queens jubilee celebrations</li> <li>■ millennium party</li> </ul> |
|---|--|---|

**Appendix 4 – Table detailing Years of Use**

No:	Name and address	Date from..	Date to..	Relevant period?
1	Clarice Lee, 3 Dunbreck, Vines Cross TN21 9EN	1936	Not stated	
2	Cyril Frost, Lynton, Foords Lane, Vines Cross TN21 9ER	Mid 1940's	2004	*
3	Tony Blackford, Overdene Ballsocks Lane, Vines Cross	1949	Late 1990's	*
4	Max Samuel 1 Fern Flats, Vines Cross, TN21 9ER	Late 1960's	Not stated	
5	H Tomlinson Old School House, Vines Cross	1972	Not stated	
6	Basil Wright 'Gairloch' Vines Cross TN21 9ER	1975	Not stated	
7	Heather Warren 'Welbeck' Vines Cross	1976	2003	*
8	Chris Shaw 12 Hurstshaw Gardens, Vines Cross	10 November 1976	Not stated	
9	LW & PR Batchelor, Wilmslow Hook Lane, Vines Cross	1977	Not stated	
10	Anthony Fernau, Amberley, Nettlesworth Lane, Vines Cross, TN21 9EN	1982	Not stated	
11	Chris Unsted Wellsure, Vines Cross	1983	Not stated	
12	K D Hillman	1999	2005	*
13	G K Piper, Hook Farm Vines Cross	1971	Not stated	
14	Tessa Hoad, Rheims Cottage Ballsocks, Vines Cross, TN21 9ET	Not stated	Not stated	
15	Max Samuel 1 Fern Flats Vines Cross, TN21 9ER	<i>'lived in Vines Cross and extended village boundary for 45 years plus'</i>	Not stated	
16	Russell Batchelor 24 Harcourt Road, Uckfield TN22 5DU	1977	1990	*
17	Dr Parkyn 'Old Clappers' Vines Cross TN21 9EU	Not stated	Not stated	
18	Duncan Batchelor 23 Headley Close, Pound Hill Crawley RH10 3TY	1977	1990	*
19	Alan Lindfield, 57 Waldron Thorns, Heathfield	Not stated	Not stated	
20	Allan & Dee Stevens Torwood Ballsocks Lane, Vines Cross TN21 9ET	1986	Not stated	
21	Neil Parkes-Crick, 16 Hurstshaw Gardens	1992	March 2006	*
22	Hannah Overy Horebeech Lane, Horam TN21 0HP	Not stated	Not stated	
23	Chris Shaw, 12 Hurstshaw Gardens Vines Cross TN21 9EP	1976	Not stated	
24	David Kindratt 1 Rock Gardens Vines Cross, TN21 9EL	1955	Not stated	
25	Deanna Bane The Linnets Ballsocks Lane TN21 9ET	1998	1998	*
26	H Setron, 3 Wisteria Cottages Nettlesworth Lane Vines Cross TN21 9AT	1961	Undated	
27	Lawrence Parker, Vines Cross TN21 9EN	Undated	September 2008	

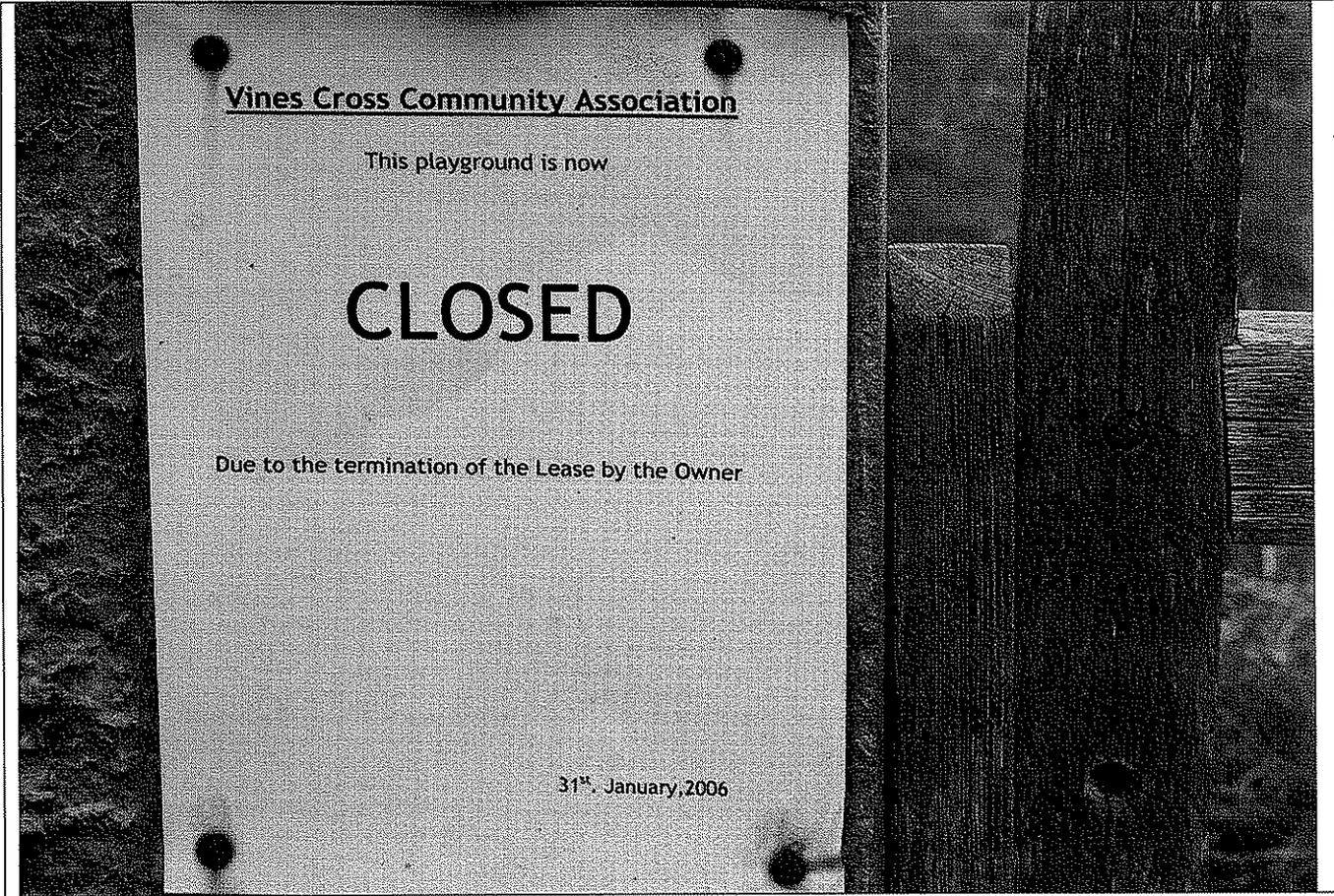
27 members of the public have given evidence. 19 have not been able to provide exact details on the dates in which they used the land.

Appendix 5 – Photographs taken on 6<sup>th</sup> March 2008



Appendix 5 – Photographs taken on 6<sup>th</sup> March 2008





Appendix 5 – Photographs taken on 6<sup>th</sup> March 2008

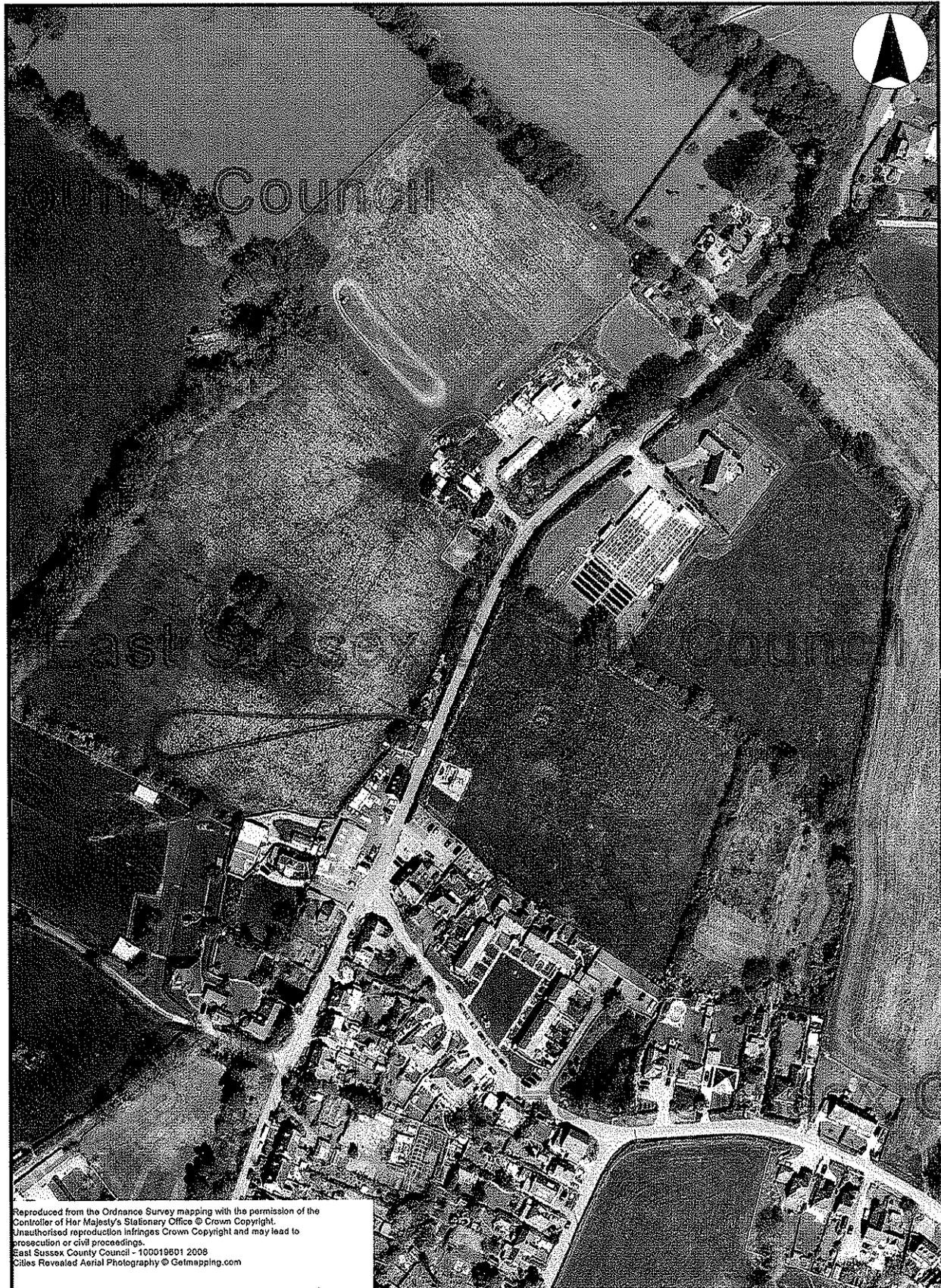




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<p>East Sussex County Council</p>	<p>Information may not be current. Consult Highway Land Information Team for confirmation.</p>	
<p>County Hall St Anne's Crescent</p>	<p>Date: 28 Oct 2008</p>	<p>Land tinted pink is considered to be adopted highway. The highway boundary, where researched, is shown in red outline.</p>
<p>Lewes</p>	<p>Scale: 1: 2500 NGR: 559444 117920</p>	<p>WHERE NO RED LINE IS SHOWN, THERE MAY BE MORE HIGHWAY THAN IS SHOWN IN PINK.</p>

Aerial 1999



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 East Sussex County Council - 100019801 2008  
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<p>East Sussex County Council</p>	<p>Information may not be current. Consult Highway Land Information Team for confirmation.</p>	
<p>County Hall        St Anne's Crescent        Lewes</p>	<p>Date: 28 Oct 2008</p>	<p>Land tinted pink is considered to be adopted highway. The highway boundary, where researched, is shown in red outline.</p>
	<p>Scale: 1: 2500 NGR: 559458 117897</p>	<p>WHERE NO RED LINE IS SHOWN, THERE MAY BE MORE HIGHWAY THAN IS SHOWN IN PINK.</p>

Aerial 2005