

Committee: Village Green Registration Panel

Date: 23 April 2014

By: Assistant Director, Operations- Communities, Economy and Transport

Title: Application for land west of Station Road, Plumpton Green, Lewes to be registered as a town or village green

Applicant: Plumpton Parish Council (Mrs Jean Stewart, Parish Clerk)

Application No: 1361

Contact Officer: Chris Kingham, Tel. 01273 335556

Local Member: Councillor Jim Sheppard

RECOMMENDATION

To accept the application of Plumpton Parish Council, pursuant to section 15(8) of the Commons Act 2006, to have land west of Station Road, Plumpton Green, Lewes registered as a town or village green.

1. The Site

1.1 The land, which is the subject of the Application ("the Land"), is an irregularly shaped area to the west of Station Road, and south of West Gate in Plumpton Green. Most of the area is grassed and there is a wooded area and a pond on the Land. It is bordered by residential properties and roads. The attached plan shows the Land as hatched green.

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 In processing applications under Section 15(8) there are no requirements for the registration authority to undertake a public consultation exercise. The registration authority need only 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 Plumpton Parish Council on 3 May 2013 to register land west of Station Road, Plumpton Green as a new Village Green. Plumpton Parish Council have made their application under Section 15(8). A copy of the Application is attached at Appendix 1.

3.2 With their application the Parish Council exhibited a copy of Title Number ESX203910. This shows Plumpton Parish Council as being the proprietor, with freehold title absolute of all the land subject to the application. A copy of this Title Number is attached at Appendix 2. As confirmed by the legal title document and section nine of the application form, there are no other relevant leaseholders of, or proprietors of any relevant charge over, the Land.

4. Conclusion and reason for Recommendation

4.1 It is recommended that this application be accepted, as all of 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.

Karl Taylor

Assistant Director
Economy, Transport and Environment

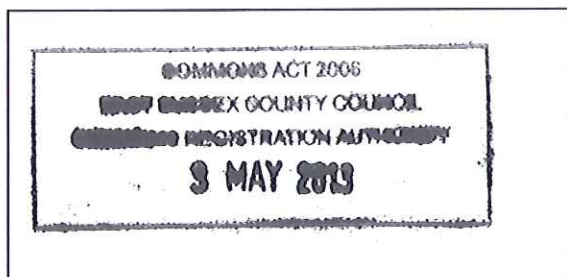
Contact Officer: Chris Kingham
(01273335556)

Local Member: Councillor Jim Sheppard

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:

1361

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

Note 1

Insert name of registration authority.

EAST SUSSEX COUNTY COUNCIL
ECONOMY, TRANSPORT + ENVIRONMENT
COUNTY HALL
LEWES
BN7 1UE

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 applicantName:

Full postal address:

C/O PARISH CLERK - MRS JEAN STEWART
DOWNSVIEW COTTAGE
RIDDENS LANE
PLUMPTON GREEN
EAST SUSSEX

Postcode BN73BJ

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.

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.

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 to 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:

VILLAGE GREEN
Registered title ESX 203910 -(part of)
Filed Plan exhibit 'A'

Location:

STATION ROAD PLUMPTON GREEN BN7 3BQ
Shown edged blue and hatched green - Exhibit 'B'

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 Plumpton

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).

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

N/A

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).

10. Supporting documentation

HMLR Title + Filed Plan
Photographs supplied
Plans x 2

Note 10

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

Please use a separate sheet if necessary.

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.

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 unincorporate.

Date:

18/3/13

Signatures:

J Stewart

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.

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

I, Jean Stewart, solemnly and sincerely declare as follows:—

² Delete and adapt
as necessary.

1.² I am ((the person (~~one of the persons~~) who (has) (~~have~~) signed the foregoing application)) (~~((the solicitor to (the applicant) (³ one of the applicants))~~)).

³ 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 maps^{now} produced as part of this declaration ^{are} is the maps A + B referred to in part 5 of the application.

⁴ Complete only in
the case of
voluntary
registration (strike
through if this is not
relevant)

4.⁴ 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/

⁴ *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

Tear Stewart
 at Lewes

this 18th day of March 2013


Signature of Declarant

Before me *

Signature: *William Edwards*

Address: Dawns Services,
77 MEADOW, GODALMING, SURREY, GU7

Qualification: SOLICITOR

*** 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

AERIAL VIEW OF SITE



NOTES:

SITE DETAILS:
PLUMPTON VILLAGE HALL
1 WEST GATE
PLUMPTON GREEN
EAST SUSSEX BN7 3BQ

APPLICANT/CLIENT:
OVESCO LIMITED - IPS
2 STATION STREET
LEWES BN7 2DA

INSTALLER:
SUNTRADER

REVISION:

MANAGEMENT AGENT

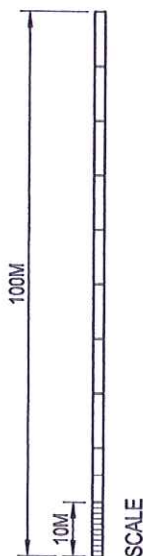
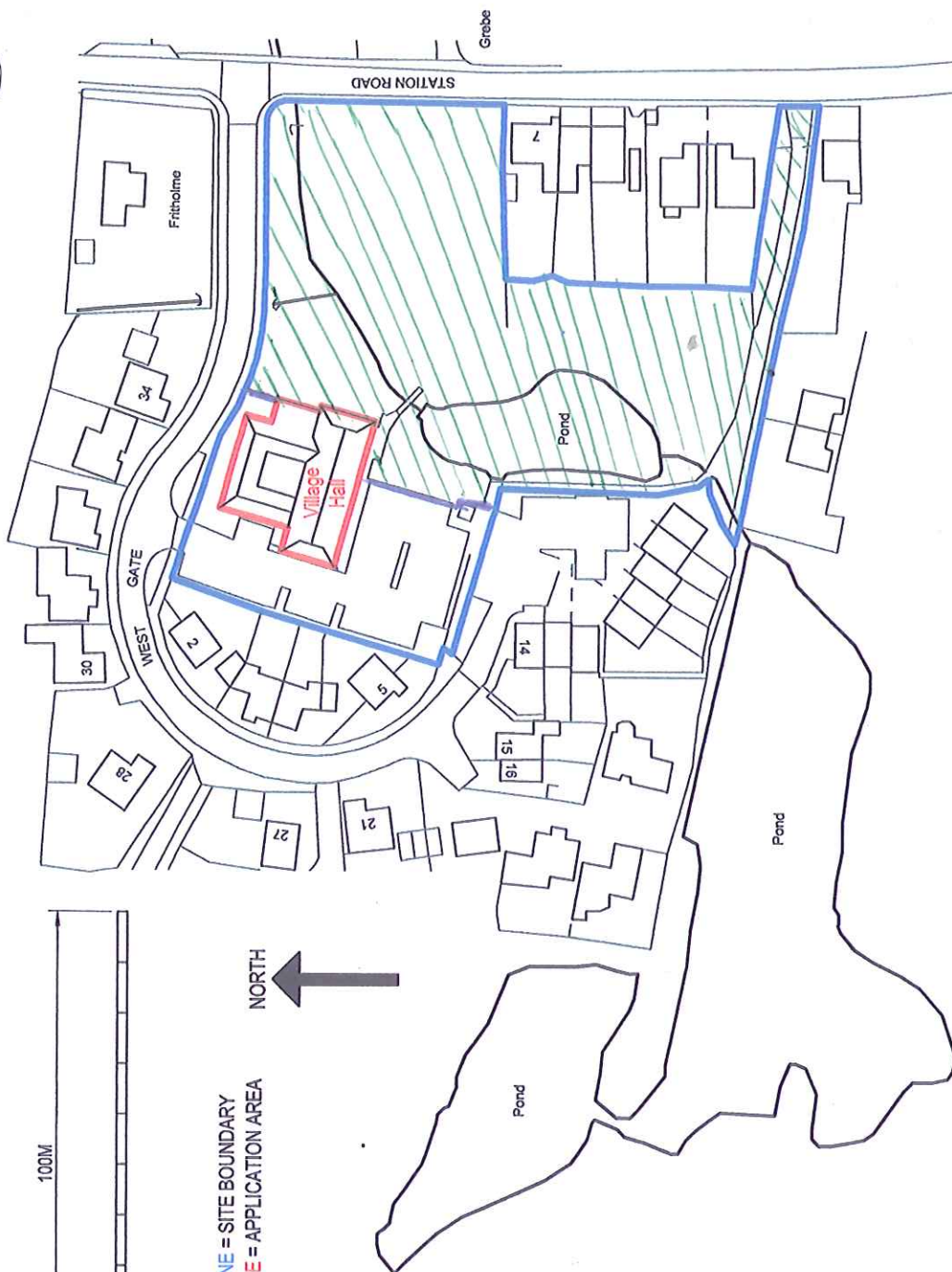
OVESCO Ltd
2 Station Street, Lewes
East Sussex BN7 2DA
Tel: 01273 515289
e-mail: hello@ovesco.co.uk
Web site: www.ovesco.co.uk

SCALE: 1:1250 A4
DATE: 27.10.2011
DRAWN BY: CCR
REVISION: -

TITLE: LOCATION PLAN

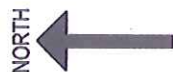
DWG No: PLUM-001-001

B



KEY

BLUE LINE = SITE BOUNDARY
RED LINE = APPLICATION AREA



PLAN OF SITE APPLICATION AREA SCALE 1:1250

