



REGULATORY COMMITTEE

COMMONS AND VILLAGE GREEN REGISTRATION PANEL

MEETING 10.30 am WEDNESDAY, 15 MAY 2024

CC2, COUNTY HALL, LEWES

MEMBERSHIP - Councillors Godfrey Daniel, Kathryn Field and Philip Lunn

A G E N D A

1. Appointment of Chair
2. Minutes of the meeting held on 15 November 2017 (*Pages 3 - 4*)
3. Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
4. Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
5. Request to withdraw application to register land at Bodiam Castle grounds including carriageway as a town or village green (*Pages 5 - 10*)
Report by the Director of Communities, Economy and Transport
6. Application for land at Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes, to be registered as a town or village green (*Pages 11 - 246*)
Report by the Director of Communities, Economy and Transport
7. Any urgent items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

7 May 2024

Contact Sophie Webb, Governance and Democracy Officer,
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COMMONS AND VILLAGE GREEN REGISTRATION PANEL

MINUTES of a meeting of the Commons and Village Green Registration Panel held at County Hall, Lewes on 15 November 2017.

PRESENT Councillors Phil Boorman, Bob Bowdler and Tom Liddiard

1 APPOINTMENT OF CHAIR

1.1 Councillor Boorman was appointed as the Chair.

2 MINUTES OF THE MEETING HELD ON 14 OCTOBER 2015

2.1 The minutes of the meeting held on 14 October 2015 were approved as a correct record.

3 APOLOGIES

3.1 Apologies for absence were received from Councillor Dowling. It was noted that Councillor Liddiard was acting as a substitute.

4 DISCLOSURE OF INTERESTS

4.1 Councillor Boorman declared a personal interest in item 4, in that a family member is a Member of Lewes District Council, but he did not consider this to be prejudicial.

5 APPLICATION FOR LAND AT THE HOLLYCROFT FIELD, CHAPEL LANE, EAST CHILTINGTON, EAST SUSSEX TO BE REGISTERED AS A TOWN OR VILLAGE GREEN

5.1 The Panel considered a report by the Assistant Director, Operations.

5.2 The Panel accepted that the Applicant has, on the balance of probabilities, satisfied all elements of the statutory criteria for registration. The use of the land for the relevant period was on the balance of probabilities "as of right".

5.3 The Panel RESOLVED to accept the application of East Chiltington Parish Council, pursuant to section 15 of the Commons Act 2006, to register land at Hollycroft Field, Chapel Lane, East Chiltington as a town or village green.

The meeting ended at 10.40 am.

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Committee: Commons and Village Green Registration Panel
Date: 15 May 2024
By: Director of Communities, Economy and Transport
Title: Request to withdraw application to register land at Bodiam Castle grounds including carriageway as a town or village green
Applicant: Mr David N Gilbert
Application No: TVG 1364
Contact Officer: Michael Walsh, 01273 337053
Local Member: Councillor Paul Redstone

Recommendation: The Panel is recommended to:

- 1) Accept the request to withdraw the application to register land at Bodiam Castle grounds including carriageway as a town or village green; and**
 - 2) Agree that the County Council takes no further action regarding the application referred to in Recommendation 1 above.**
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1. Background

1.1 On 18 April 2020 East Sussex County Council (the Council), in its capacity as Commons Registration Authority, received an application under Section 15 of the Commons Act 2006, for the registration of land at Bodiam Castle (the Land), Bodiam, as a town or village green (TVG). The application sought to register the Land on the basis that it had been used by a significant number of the inhabitants of a locality for lawful sports and pastimes 'as-of-right' for at least 20 years up until the time that a deposit of statement was submitted by the landowners (The National Trust) in May 2019. The application was accompanied by 24 user evidence questionnaires. In addition to the objection received from the landowner, one further objection was received from a member of the public.

(see Appendix 1 for a location map).

1.2 In an email dated 11 April 2023 Mr David Nicholas Gilbert, the Applicant, requested that the application be withdrawn. An arrangement had been agreed with the landowners granting certain access rights to members of the public within the locality of the site (see appendix 2).

1.3 Having considered the Applicant's request to withdraw the application, along with all other available information, officers consider that it is reasonable for the request to be accepted.

2. The Law

The legislation setting out the conditions required to register land as a TVG is Section 15 of the Commons Act 2006. The Commons (Registration of Town and Village Greens) (Interim Arrangements) (England) Regulations 2007 stipulate the procedure that must be followed by all parties when an application is made and processed. The legislation does not contain a procedure or provision for the withdrawal of applications nor is the registration authority able to abandon a TVG application.

3. Guidance

A TVG application raises a matter of public interest, in that it claims that a public right has been established, albeit in relation to recreational use that would be restricted to the residents of a neighbourhood or locality. The Council has a statutory duty to determine such applications. Therefore, whilst the Applicant has determined to withdraw their application, the Council as registration authority must consider whether it will permit that withdrawal.

The registration authority would need to be fair to those persons whose interests may be affected by its decision, namely those members of the public within the locality associated with the site. As such it is recommended that requests for a TVG application withdrawal be advertised by the registration authority.

4. Action taken

On 5 May 2023, a Notice detailing the Applicant's request to withdraw the TVG application was placed on site, in the Rye & Battle Observer, the Hastings Observer, and on the Council web site. A copy of the withdrawal application was also sent to all parties including the landowners. The Notice asked that any person wishing to object to the withdrawal should do so by 21 June 2023. No such objection was received, and the landowners did not request that the application be determined in any event.

5. Conclusion and Reason for Recommendation

The Applicant has applied to withdraw the application, and following publication of Notices stating this, no objection has been received.

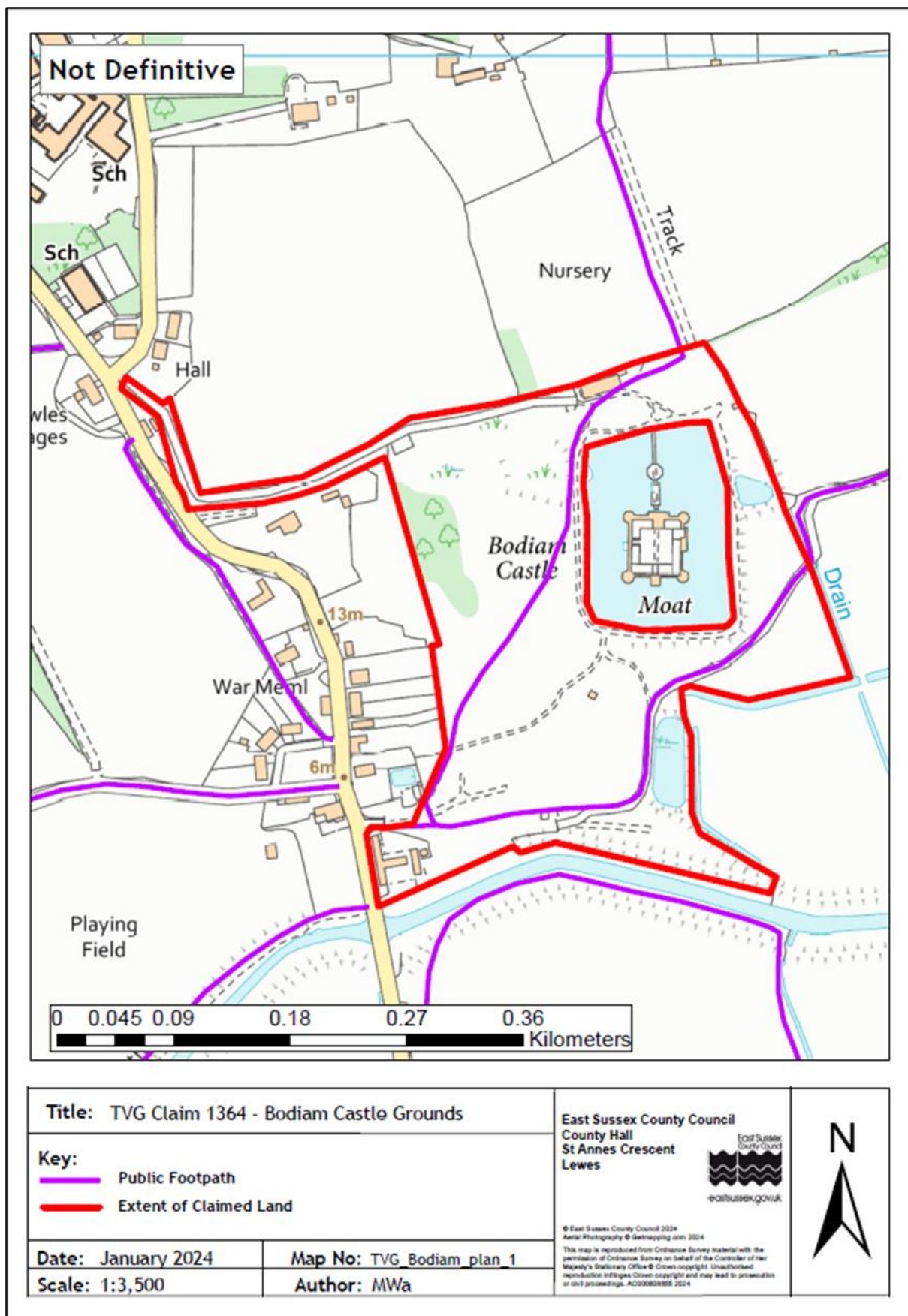
RUPERT CLUBB

Director of Communities, Economy and Transport

BACKGROUND DOCUMENTS:

Application and Plan, Letters of Objection and Responses, email requesting withdrawal and notices.

Appendix 1 TVG 1364 - Bodiam Castle and Grounds Site Plan



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Appendix 1 National Trust Offer of Passes for Local Residents

From: Freeman-Owen, Louisa
Sent: 20 April 2023 11:21
To: clerkbodiam@hotmail.co.uk; ewhurstparishcouncil@gmail.com
Cc: Stafford, Karen <Karen.Stafford@nationaltrust.org.uk>; [REDACTED]
Subject: Local Residents of the Parishes of Bodiam and Ewhurst - passes to Bodiam Castle Grounds

Dear Clerks

After a period of discussion, I am pleased to tell you-

The Trust is to provide passes for local residents in the parishes of Bodiam and Ewhurst (including Staplecross and Cripps Corner) for free access to the Castle Grounds during visitor open hours.

This is in addition to the two existing Rights of Way across the Bodiam grounds, which provide public access.

The passes will be issued as one per household (giving access for 2 adults and up to 3 children per household), valid for a year, renewable on an annual basis for a minimum total period of 10 years, on production of photographic identification and proof of address – utility bill/Council Tax bill. The Trust Byelaws will continue to apply to anyone making use of the passes to visit the Castle Grounds.

To give time for the arrangement to be set up, passes can only be issued after the Coronation weekend (8th May), from the Bodiam Visitor reception, at the main entrance.

We would like you to publish this information, as set out above in italics, in your next Parish Council Minutes.

Kind regards

[REDACTED]

Louisa Freeman-Owen MRICS FAAV
Senior Estate Manager~Sussex & Kent
louisa.freeman-owen@nationaltrust.org.uk
[REDACTED]
Scotney Castle, Lamberhurst, Kent TN3 8JN

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Committee: Commons and Village Green Registration Panel

Date: 15 May 2024

By: Director of Communities, Economy and Transport

Title: Application for land at Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes, to be registered as a town or village green.

Applicant: Ms Katy Downton

Application No: RWO/CRCG1363

Contact Officer: Mr Stephen Kisko, 07795 237425

Local Member: Councillor Matthew Milligan

Recommendation: The Panel is recommended to:

- 1) Accept the part of the Application pursuant to section 15 of the Commons Act 2006 to register that part of the Land at 'Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes', and now known as 'land at Charlwood Gardens Burgess Hill' (referred to as the Green) as town or village green and the register of town and village greens held by the Council be amended accordingly; and
- 2) Reject the part of the Application pursuant to section 15 of the Commons Act 2006 to register that part of the Land at 'Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes' (referred to as the Wood) as town or village green.

This report contains three parts as follows:

Part A: Summary of the Relevant Law

Part B: Details of the Application

Part C: Application of the Relevant Law to the Evidence

PART A – SUMMARY OF THE RELEVANT LAW

Statutory Criteria - the Commons Act 2006

1. The application to register the land known as Charlwood Gardens as Town or Village Green ("the Application") was made pursuant to the Commons Act 2006. That Act requires each registration authority to maintain a register of town and village greens within its area. Section 15 provides for the registration of land as a town or village green where the relevant statutory criteria are established in relation to such land.

2. The Application seeks the registration of the land which is the subject of the Application (“the Land”) by virtue of the operation of Section 15(2) of the 2006 Act. Under that provision, land is to be registered as a town or village green where:
 - (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.
 - (b) they continue to do so at the time of the application
3. The Application is subject to subsection (6) which provides that in the determination of the relevant 20-year period, any period during which access to the land was prohibited to members of the public by reason of any enactment must be disregarded.
4. Therefore, for the Application to succeed, it must be established that:
 - (i) the Application Land comprises “land” within the meaning of the 2006 Act
 - (ii) the Land has been used for lawful sports and pastimes
 - (iii) such use has been for a period of not less than 20 years
 - (iv) such use has been by a significant number of the inhabitants of a locality or of a neighbourhood within a locality
 - (v) such use has been as of right, i.e. without force, without secrecy, and without permission (*nec vi, nec clam, nec precario*).
5. There is no distinction in law between a ‘town’ or ‘village’ green. The term ‘town’ green simply tends to be used where the green is physically situated in a town or other urban area.

The Burden and Standard of Proof

6. The burden of proving that the Land has become a town or village green rests with the Applicant for registration. The standard of proof is the balance of probabilities.
7. Further, when considering whether or not the Applicant has discharged the evidential burden of proving that the Land has become a town or village green, it is important to have regard to the guidance given by Lord Bingham in ***R. v Sunderland City Council ex parte Beresford***¹ where, at paragraph 2, he noted as follows:-

As Pill LJ. rightly pointed out in *R v Suffolk County Council ex parte Steed* (1996) 75 P&CR 102, 111 “it is no trivial matter for a landowner to have land, whether in public or private ownership, registered as a town green ...”. It is accordingly necessary that all ingredients of this definition should be met before land is registered, and decision makers must consider carefully whether the land in question has been used by inhabitants of a locality for indulgence in what are properly to be regarded as lawful sports and pastimes and whether the temporal limit of 20 years’ indulgence or more is met.

8. Hence, all the elements required to establish that land has become a town or village green must be properly and strictly proved by the Applicant on the balance of probabilities.

Relevant Caselaw on the Statutory Criteria

9. Caselaw has provided helpful rulings and guidance on the various elements of the statutory criteria required to be established for land to be registered as a town or village green which are referred to below.

¹ [2004] 1 AC 889.

i) Land:

10. Any land that is registered as a village green must be clearly defined so that it is clear what area of land is subject to the rights that flow from village green registration.
11. It was stated by way of *obiter dictum* by the majority of the House of Lords in ***Oxfordshire County Council v Oxford City Council***² that there is no requirement that a piece of land must have any particular characteristics consistent with the concept of a village green in order to be registered. In that case, the Trap Grounds application site did not fit the traditional image of a village green. Part of it comprised reed beds and a significant part of the remainder consisted of scrubland. It was thus “*not idyllic*” in the words of Lord Hoffmann. The majority view given by Lord Hoffmann was that the physical characteristics of land could not in themselves preclude it from being a village green. In justifying that view, he noted in particular that there was no authority, either at common law or in statute, which supported the proposition that the definition of a village green should be so restricted, and further, that any test to that effect would be inherently uncertain and too vague.³ It is also relevant to note that the Commons Act 2006 passed subsequently did not seek to further restrict the definition of a village green in that regard.
12. An alternative minority view was expressed in ***Oxfordshire County Council v Oxfordshire City Council*** by Lord Scott who noted that some new village greens registered did appear to be stretching the concept of a village green beyond the limits which Parliament intended. He noted the ordinary dictionary meaning of a “*green*” as being “*a piece of public or common grassy land*” which ought to be applied in constructing section 22(1) of the Commons Registration Act 1965, the predecessor to Section 15 of the 2006 Act, rather than land being registered that no one would recognise as a town or village green.⁴
13. In the case of ***R (Newhaven Port and Properties Ltd) v East Sussex County Council***⁵ it was established that the ordinary words used by Parliament to define a town or village green were broad enough not to preclude a tidal beach as constituting land for the purposes of the Commons Act 2006. In addition, it was established that use did not have to be continuous, or the main use of the land, providing that the level and nature of use had to be that which, judged objectively, would make a landowner aware that the public were asserting a right.

ii) Lawful Sports and Pastimes:

14. It was made clear in ***R. v Oxfordshire County Council ex parte Sunningwell Parish Council***⁶ that “*lawful sports and pastimes*” is a composite expression and so it is sufficient for a use to be either a lawful sport or a lawful pastime. Moreover, it includes present day sports and pastimes, and the activities can be informal in nature. Hence, it includes recreational walking, with or without dogs, and children’s play. These activities can vary depending on the time of year or ‘according to changing tastes or wishes [of the user]’.⁶
15. However, this element does not include walking of such a character as would give rise to a presumption of dedication as a public right of way.⁷

iii) Continuity and Sufficiency of Use over 20 Year Period:

² [2006] 2 AC 674 per Lord Hoffmann at paragraphs 37 to 39.

³ *Ibid* at paragraph 39.

⁴ *Ibid* at paragraphs 71 to 83.

⁵ 2013] EWCA Civ 276

⁶ [2000] 1 AC 335 at 356F to 357E.

⁷ J. Riddall, ‘Getting Greens Registered: A guide to law and procedure for town and village greens’ (2007), paragraph 43

16. The qualifying use for lawful sports and pastimes must be continuous throughout the relevant 20-year period: **Hollins v Verney**⁸.
17. It is required that the user evidence illustrates that the land subject to the application has been enjoyed for a period of at least twenty years. This period is calculated retrospectively from the date of first challenge. In the absence of a challenge the submission of the application is sufficient to bring use of the land into question. Therefore, initially it will be necessary to show use from 1999-2019. If there is any challenge to use within this period then the relevant 20 year period shall be altered to reflect the challenge.
18. It is not vital for every user to have used the land for a period of twenty years rather it is 'necessary... that all the evidence taken cumulatively shows that there has been use by the local inhabitants for twenty years.'⁹
19. Further, the use has to be of such a nature and frequency as to show the landowner that a right is being asserted and it must be more than sporadic intrusion onto the land. It must give the landowner the appearance that rights of a continuous nature are being asserted. The fundamental issue is to assess how the matters would have appeared to the landowner: **R. (on the application of Lewis) v Redcar and Cleveland Borough Council**.¹⁰

iv) Locality or Neighbourhood within a Locality:

20. A "locality" must be a division of the County known to the law, such as a borough, parish or manor: **MoD v Wiltshire CC**;¹¹ **R. (on the application of Cheltenham Builders Limited) v South Gloucestershire DC**;¹² and **R. (Laing Homes Limited) v Buckinghamshire CC**.¹³ A locality cannot be created simply by drawing a line on a plan: **Cheltenham Builders** case.¹⁴
21. In contrast, a "neighbourhood" need not be a recognised administrative unit. A housing estate can be a neighbourhood: **R. (McAlpine) v Staffordshire County Council**.¹⁵ However, a neighbourhood cannot be any area drawn on a map. Instead, it must have a sufficient degree of cohesiveness: **Cheltenham Builders** case.¹⁶
22. Neighbourhood may include one or more neighbourhoods, provided that they are neighbourhoods within a locality.¹⁷

v) Significant Number:

23. "Significant" does not mean considerable or substantial. What matters is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is in general used by the local community for lawful sports and pastimes, rather than occasional use by individuals as trespassers: **R. (McAlpine) v Staffordshire County Council**.¹⁸

⁸ See Sullivan J. in **R. (Laing Homes Limited) v. Buckinghamshire County Council** [2004] 1 P & CR 573 at 598.

⁹ (1884) 13 QBD 304.

¹⁰ J. Riddall, paragraph 51

¹¹ [2010] UKSC 11 at paragraph 36.

¹² [1995] 4 All ER 931 at page 937b-e.

¹³ [2003] EWHC 2803 (Admin) at paragraphs 72 to 84.

¹⁴ [2004] 1 P & CR 573 at paragraph 133.

¹⁵ [2003] EWHC 2803 (Admin) at paragraphs 41 to 48.

¹⁶ [2002] EWHC 76 (Admin).

¹⁷ [2003] EWHC 2803 (Admin) at paragraph 85.

¹⁸ **Leeds Group Plc v Leeds City Council** [2010] EWCA Civ 1438

vi) As of Right

24. Use of land “as of right” is a use without force, without secrecy and without permission. It was made clear in ***R. v Oxfordshire County Council ex parte Sunningwell Parish Council***¹⁹ that the issue does not turn on the subjective intention, knowledge or belief of users of the land.
25. “Force” may mean physical force to gain access to land, for example by breaking a padlock or cutting down a fence. In ***Cheltenham Builders*** it was also confirmed that force may not just mean violent acts, but also use of the land subsequent to the landowner signifying his objection to use of it.²⁰
26. There has been no judicial comment on the meaning of use “without secrecy” and accordingly it should be interpreted in its ordinary meaning: open use which is capable of being noticed by the landowner.²¹
27. “Permission” can be expressly given or be implied from the landowner’s conduct, but it cannot be implied from the mere inaction or acts of encouragement of the landowner: ***R. v Sunderland City Council ex parte Beresford***.²² Tolerance does not imply consent.

PART B – DETAILS OF THE APPLICATION

Receipt of a completed Application

28. The County Council received the Application on 25 September 2019. It was originally processed by a Legal Order Officer before being passed to the Contact Officer. The Application was made pursuant to section 15(1) of the Commons Act 2006. This section permits an application for the registration of a town or village to be made to the County Council. The qualifying criteria to be applied is set out in section 15(2) of the Commons Act 2006 which states that the land has been enjoyed in accordance with the statutory criteria.
29. In October 2019 the Council wrote to the Applicant to confirm receipt of the application.
30. Members are referred to the plan and Application at Appendix A.

The Site

31. The Land is polygon in shape and is located adjacent to Charlwood Gardens, bordered by Charlwood Gardens to the east and woodland to the west.

¹⁹ [2002] EWHC 76 (Admin) at 77.

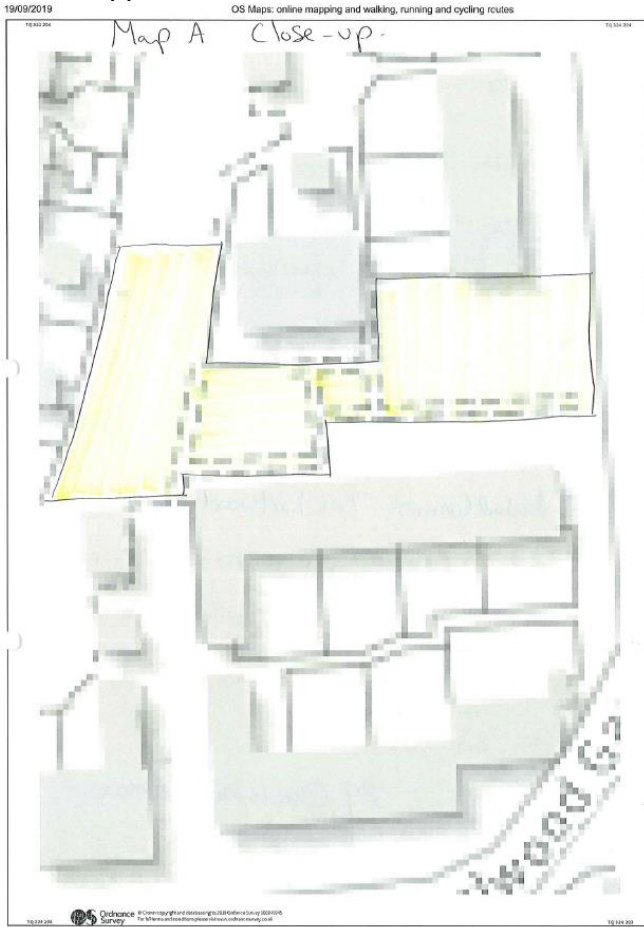
²⁰ [2000] 1 AC 335.

²¹ [2003] EWHC 2803 (Admin) at paragraph 91.

²² J. Riddall, paragraph 29

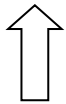
²³ [2004] 1 AC 889.

32. The Applicant's Plan is shown below:



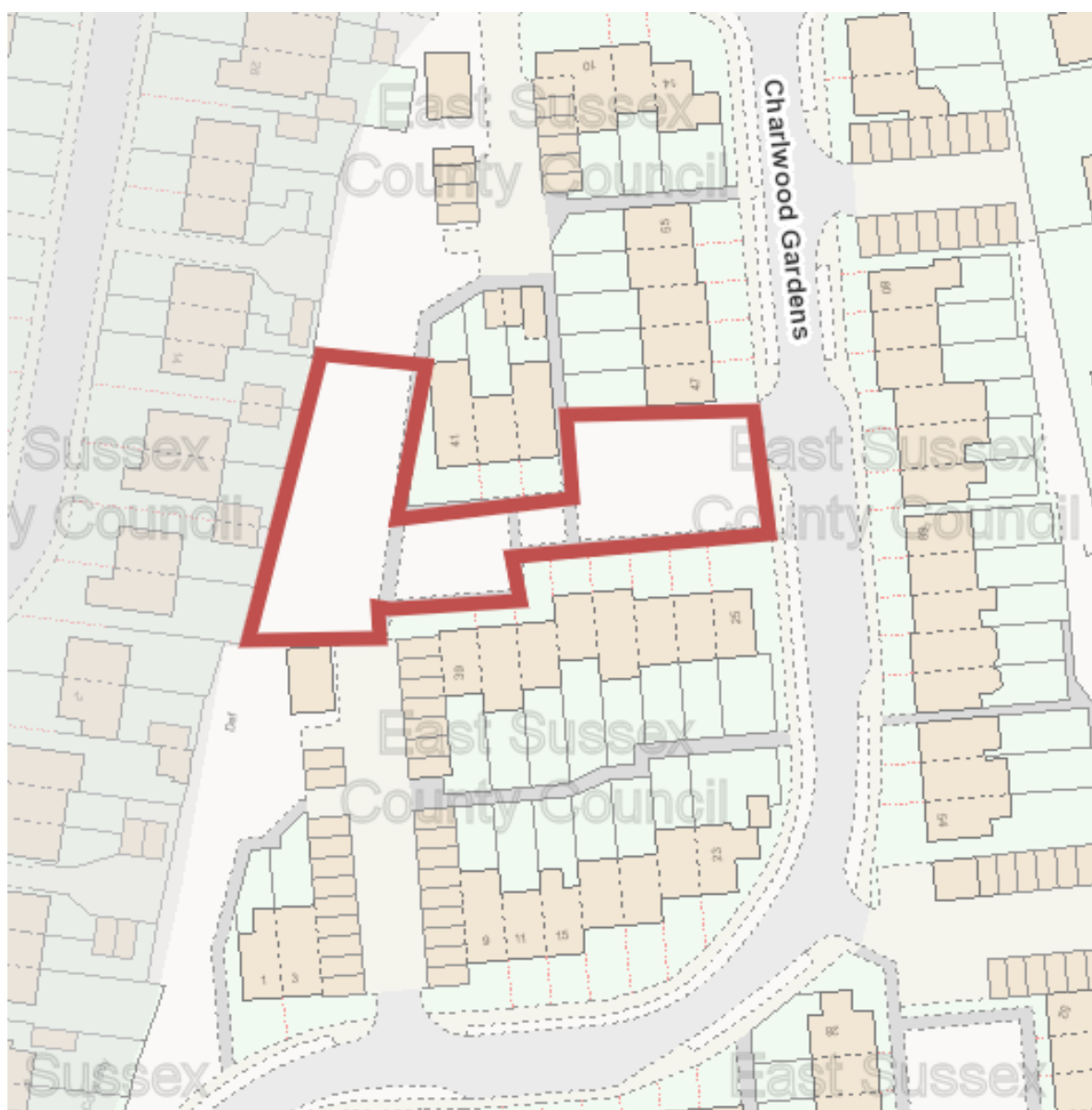
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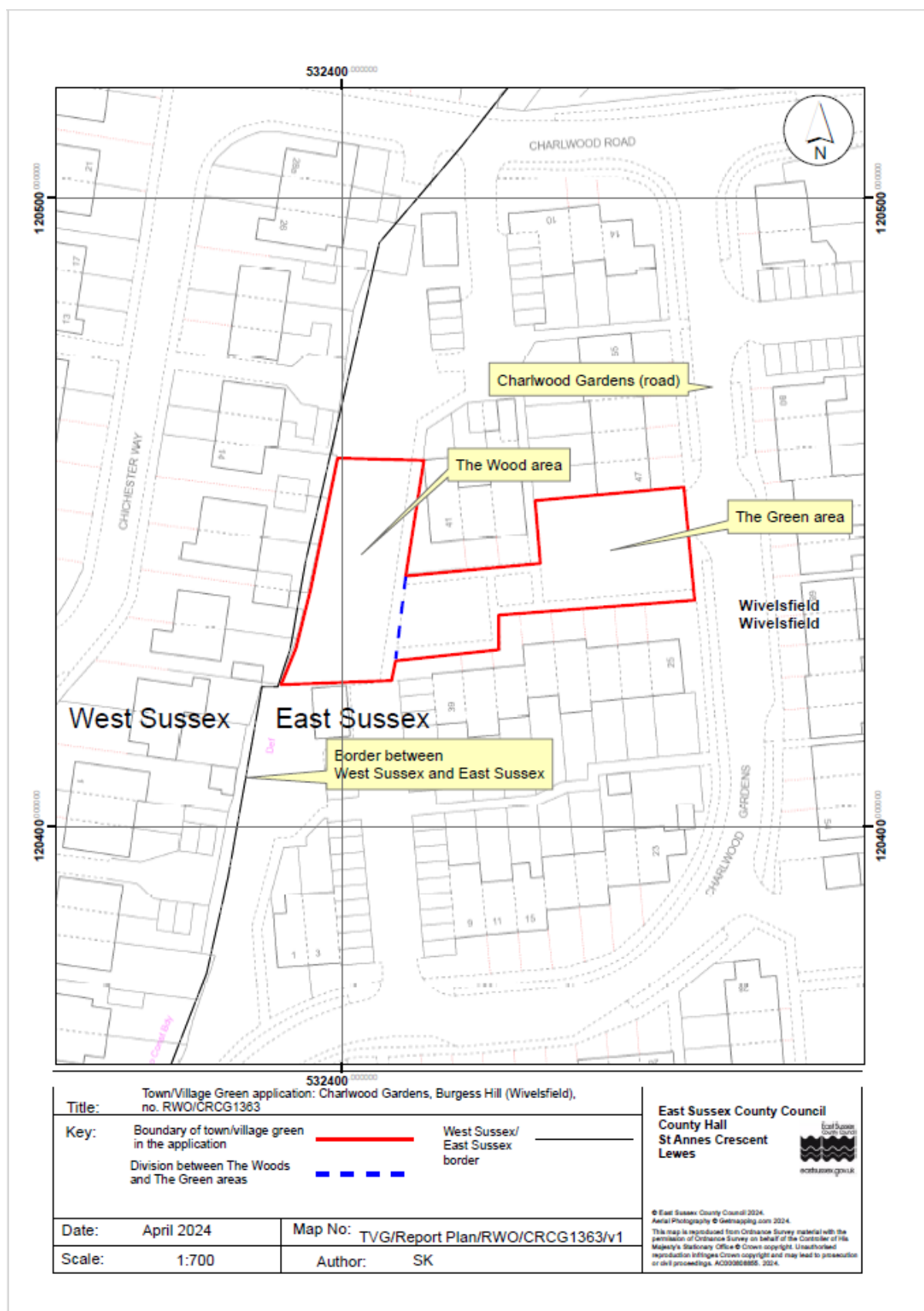


North

33. The Council's Plan is shown below:

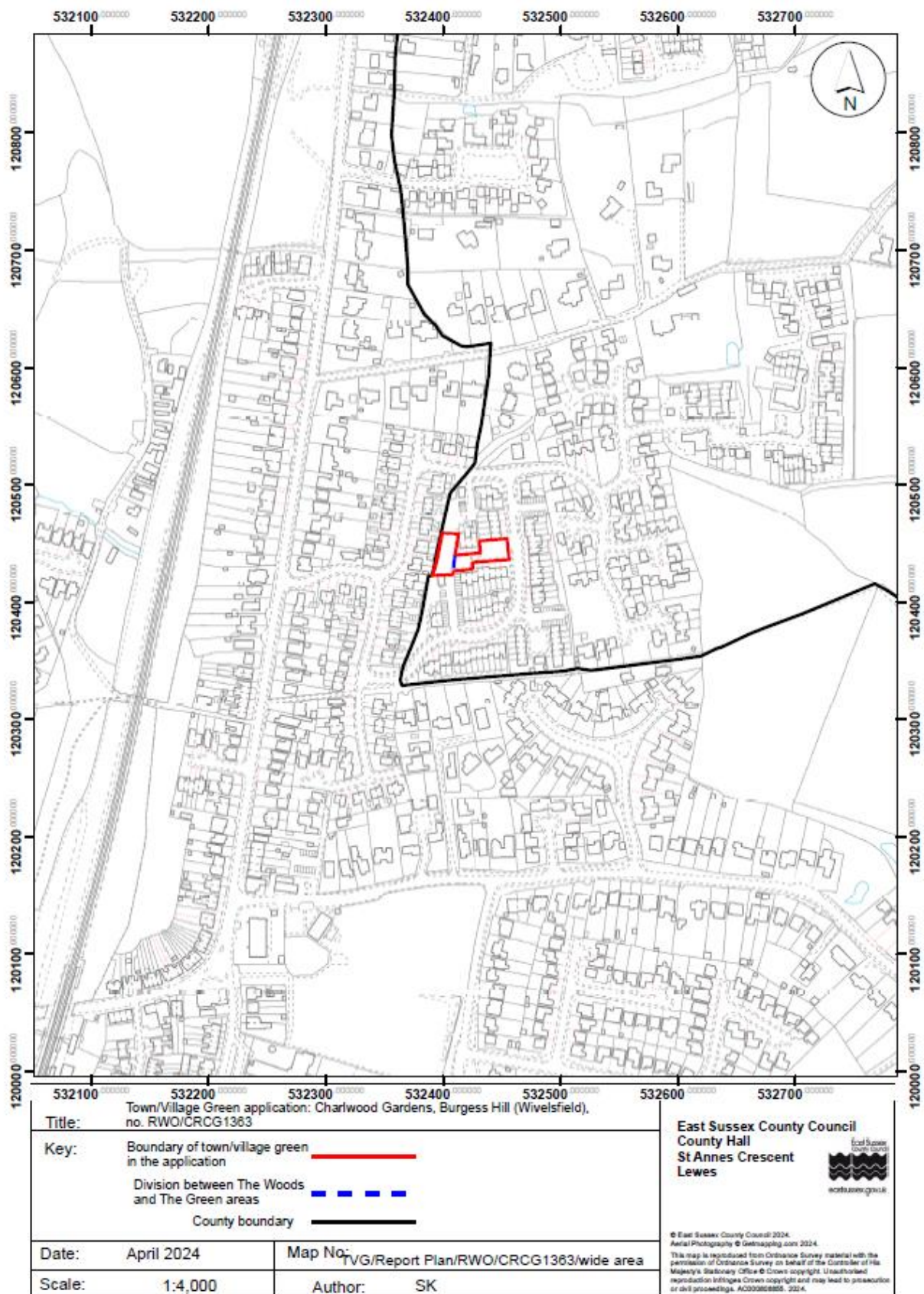


34a. The Council's Area plan is shown below:



During the investigation, it became apparent that the application area was made up of two distinct areas, the eastern and central grassy area (which is referred to as 'the Green'), and the western wooded area that runs close to the County boundary (which is referred to as 'the Wood').

34b. The Council's wide area Plan is shown below:



Applicant's evidence (Appendix A)

35. Along with the application form and plan, various documents have been submitted by the Applicant and are listed below along with the Council's comments.

a) Map A - A location map of where the residents who have provided user evidence forms live

b) Map B – A coloured map showing the outline of the parish of Wivelsfield

c) Map C – 'Neighbourhood map' - A map from googlemaps.com showing the local area of Charlwood Gardens and the surrounding streets.

d) 8 pages of coloured photographs showing the local residents using the land for sports, events and past times.

e) 2 pages called 'Additional Testimonies from the children' giving statements about what activities they did on the land with their first name and ages.

f) 18 Council forms called 'Evidence questionnaire supporting registration of land as a town or village green', each completed by a local resident (one of whom is the Applicant). Also included were 2 pages called 'Additional notes for application' in which the Applicant explained more about how people had responded to the question 'Features about the land'

g) A letter from Miss Farrell dated 24 September 2019 to accompany her user evidence form.

Land Ownership (Appendix B)

36. The Land is registered at the Land Registry under title number ESX22536. A copy of the registered title is at Appendix B.

37. The original developer of the surrounding residential estate, I Ross Estates Ltd, owned the land until 2011.

38. A Mr. Richard Bunning then acquired the Land in 2011.

39. The Green was then transferred to Bluesky Properties Estates Limited on the 5 April 2022, under title number ESX408380 and the Land was known as land at Charlwood Gardens, Burgess Hill.

Trigger Event (Appendix C)

40. On 9 October 2019 the Council wrote to the Planning Inspectorate to find out if they were aware of any prescribed planning-related events (trigger events) had occurred in relation to the Land, which due to an amendment of the Commons Act 2006 by the Growth and Infrastructure Act 2013 would exclude any right to apply for the town or village green (TVG) registration and to find out if any corresponding terminating events had occurred which would make the right to apply exercisable again.

41. On 18 October 2019 the Council also wrote in the same way to Lewes District Council ("LDC"). On the same day LDC replied to say that there were no trigger events or termination events affecting the Land.

42. On 24 October 2019 the Inspectorate replied to say on a form dated 21 October 2019 that a trigger event had occurred, but no corresponding terminating event had occurred on the Land.
43. On 25 October 2019 the Council referred this back to LDC as the Inspectorate had said there was a trigger event in the Lewes Local Plan Part 2. LDC were asked for any revised notification or comments. On 11 November 2019 an Officer from LDC replied to say that he had spoken with both his planning and policy departments regarding this matter and had been informed that the Lewes Local Plan Part 2 had no effect on this application to register a village green. He added, the Lewes Local Plan Part 2 has no allocations and no policy affecting the Land and therefore did not constitute a trigger event.
44. On 12 November 2019 the Council referred the conflicting results to its legal team, who suggested that both LDC and the Inspectorate be contacted again and asked to confirm if their previous responses were correct. LDC confirmed the land was not subject to a trigger event as it is not in the Lewes Local Plan and on 16 December 2019 the Council received a reply from the Inspectorate amending their response with a new form saying that no trigger or terminating event had occurred on the Land.

Possible voluntary registration of TVG (Appendix D)

45. On 11 February 2020 the Council wrote to the landowner, then Mr Bunning, outlining the details of the Application and the procedure that would be followed to investigate the claim for TVG status. The Council asked the landowner if he would like to voluntarily register the land as a TVG as an alternative. As no response was received, the application to register the land as a TVG as applied for was progressed.

Consultations and representations (Appendix E)

46. The Application was advertised on site and in the Mid Sussex Times on 13 March 2020.
47. All interested parties, the landowner, Lewes District Council, and Wivelsfield Parish Council were sent copies of the notice, and copies were made available to view by members of the public at County Hall, Lewes, and at Lewes District Council offices, Southover House Southover Road Lewes.
48. The Application has received 1 objection, from the landowner Mr R Bunning. The landowner sent 2 emails setting out his objection.

Landowner Response (Appendix F)

49. The landowner objected to the Application on 1 April 2020 on the grounds;

“In terms of the application, I dispute that the westerly part of the land (hatched in the attached plan) has only relatively recently been made into a cycle track. This woodland was overgrown with brambles and on the orders of the local authority tree officer I had some dead branches removed. The tree surgeons cleared an area around the tree and I believe some local residents may have further cleared it for use as a cycle track (bumps). This was less than 2 years ago and therefore I believe does not qualify the land to be considered as a Village Green.

I wanted to sell the remainder of the land that is part of the application along with some alleyways and other strips on the estate. I put the property into auction but the auction was cancelled due to the Coronavirus outbreak.

Wivelsfield Parish Council made some noises to the auctioneer about possibly buying the land but so far nothing has become of that. I have also spoken to Katy about the local residents

buying the land but the current Coronavirus situation has made all of this take 2nd place. There is also the uncertainty about responsibility of maintenance.

When originally built in 1980 the common areas of the estate were to be maintained by "The Charlwood Gardens Residents Association Ltd". Each owner was to have one share. The company was struck off at Companies House after a year, and there is little evidence of any formal agreements in respect of the land but several residents I have spoken to were aware of the existence of the company in the past.

I am writing to request that either the application is rejected on the basis of the paragraph 4 of this letter, and a new application made when the current crisis has passed. Failing that I suggest the hearing is postponed until times return to normal."

50. The landowner objected to the Application on 23 April 2020 on the following grounds;

"Thank you for your helpful email sent on 1st April.

I have been trying to sell the land concerned but the application for a TVG has thwarted that.

I have been trying to reconcile trying to acknowledge that the residents have used the land for many years and the feeling that the application has essentially snatched away a plot that perhaps had a value of £15,000 to £20,000. The application would probably have never been made if I had not offered it to the residents in the first place.

There has been various suggestions that I might give the land to the residents or the local council, but there seems to be a reluctance to take on the other parts of the land that I want to sell, principally some alleyways and back garden strips. It has been suggested I wouldn't be required to maintain any land that became a TVG but I don't read that into the Act, maintenance seems to be silent in the Commons Registration Act although I am happy to be corrected on that if I'm wrong.

I have registered my objection to part of the land being considered as a TVG on the basis of the short timescale it has been used as a cycle track. I am also aware that any objections to the children using the woodlands for such a purpose or for making dens would seem very mean.

I mentioned in a previous email the fact that there was a "Charlwood Gardens Residents Association Ltd" that was set up on completion of the estate and all residents were supposed to have a shareholding and the company was responsible for maintaining the estate. I don't know a lot about the arrangements but I notice that one of the comments about the use of the land mentioned the company. I somewhat tongue in cheek query whether because of the existence of this company that the residents did in fact have permission to use the land. The land being owned by the original developer I Ross Estates Ltd until about 2011 when my company bought the land. The key seems to be use without permission, whereas I would consider it use with deemed permission.

I have read the enquiry into the land at East Chilton and I shudder at the complexity of the enquiry and I also fail to understand the decision of why the TVG was rejected.

However returning to matters more relevant. If it was agreed that the woodland cycle track has not been used for the required 20 years, it raises the question - can the panel decide that part of the land is a TVG and part of it is not, or does the panel reject the application on the basis that not all the land has been used as required by the Act, therefore the application should fail. I have no experience in this but perhaps you do?

I have never had any direct communication with Wivelsfield Parish Council although I understand they looked into purchasing the land, but it came to nothing.

The ideal position from my point of view is that the application be withdrawn, it would seem perfectly possible to re-apply at a later date. The other possibility is that there is some agreement between my Company and Wivelsfield Parish Council whereby I gift the land to them but have their support to develop the area where most of the trees are. I am not talking about any outrageous development but maybe for one house in the "cycle track area" whereby that house could maintain the trees which I know are a source of both pleasure and concern to local residents.

I haven't spoken to Katy (the Applicant), last time I spoke to her was as lockdown was just beginning and I think this application was not on her priority list at the time.

As things stand I can see that we are in for a very long period before any decision is made, and I want to try and sell the land, the price seems secondary at the moment.

Sorry for a somewhat long email. I wanted to send something and I wanted to stop thinking about what I might say. So here it is."

51. On 29 June 2023 the Council wrote to Bluesky Properties Estates Ltd advising them of the application enclosing a copy of the application form and map, referring them to the Council's website to find all the evidence and asking for their comments within 28 days. No response was received. (Appendix H)

52. **Officer Investigations**

Members of the Rights of Way team had sight of information as to the management of the Land and the Management Company.

Sale particulars dated 2011 offered land for sale subject to freehold titles. Included the green areas and large strip covered in trees that had tree preservation orders on them. Particulars included "no maintenance agreements "

Letter dated April 2015 from Norman Baker MP to local resident explaining he looked into the green area and comments as follows: Lewes District Council (LDC) told him area was set aside for car parking but then changed to green area, LDC do not own the land. The green area not under immediate threat.

Other documents- Articles of association off Charlwood Gardens Management Company Limited.

Directors report for the year ended 31 of March 1985. Principal activity of the company is the maintenance of the common parts of the childhood gardens housing estate attached all the accounts in detail it should be noted although demands were issued annually for the maintenance charge a large amount remains uncollected and has been treated as a bad debt in the account the directors do not recommend the payment of a dividend.

Document memorandum and articles of association of Charlwood Gardens Management Company Limited dated 15 of July 1977. The document has points listed from 1-19. paragraph 3.1 states the object for which the company is established to regulate control the use of maintained certain lands forming part of Charlwood Gardens estate and for that purpose to acquire hold manage maintain administer and deal in every way with lands on the estate and to layout and provide services with all the necessary buildings and other facilities

for and manage administer maintain in good order on the estate gardens amenity areas recreational other buildings facilities parking spaces roads access ways and footpaths.

Document dated 5th of July 1989 from residents of Charlwood Gardens Mr and Mrs Burrell 2 Fitzhugh Gates solicitors on behalf of the Charlwood Gardens maintenance association. We propose to pay the maintenance charge of 15 pounds and includes a cheque for this we understand some other residents will do the same, while we're happy to payout for maintenance contribution we strongly resent having to pay double because some residents have not paid.

Reply from Fitzhugh Gates dated 6th of July 1989 thanking for the payment of 15 pound with regard to those residents who have not paid we are in a dilemma to issues proceedings to recover small sums of money would in fact increase the financial burden on the company and we have had some success in getting payment of arrears when we residents have moved.

53. Various residents submitted statements of their own knowledge but removed their names.

Resident 1 dated 20.08.2020 - bought house in 1978 not all of the estate was built and were told that when finished it was intended to set up Management company to look after any repairs and maintenance of green area and the trees and householders would be the company yearly/monthly. Although they paid very little was done and they maintained it themselves.

Resident 2 01/08/2020 confirm there is Residents Association I don t have shareholding nor responsibility for maintaining estate

Resident 3 had a meeting with solicitor representing Charlwood Gardens Association and was told no funds had been collected to maintain the Association and nothing could be done to keep it. A neighbour and I carried on mowing the lawns and clearing the land the side of the house and we continue to maintain the land. The greens have been used by the residents since the houses were built if you can prove continuous use of the land for 12 years you have some sort of legal possession or right to use. The builder was negligent in the way he set things up we continue to frequently mow the front and rear of our property.

Resident 4 with husband moved into the house in 1980 and immediately joined the neighbour gardens management Co limited paying the usual fee until it was obvious the management company wasn't doing anything once the management company had been dissolved some people refused to pay the fee. The residents had always cut the grass and cleared debris rubbish from the garage block near their homes. the current owner Mr Bunning not long after purchasing the land made an application to build in a house on they agree this was refused. Apparently there's a lot of pipe work under the green.

Resident 5 bought the house in 1983 from an existing owner was informed about the Charlwood gardens management company limited and that membership of the same had to be transferred and a fee would be paid yearly to the managing company. When moved in was told part of the land in front of the tree line had been put aside by the developers as a childrens play area and would be built by the developers although this never happened generations of children continued to play on the land. Latest landowner has put a block of three garages on this land a management company had liability insurance and was set up as a local authority did not want to take on the responsibility. The management company doesn't appear on the Land Registry deed. The managing company was operating at a loss and dissolved in 1987 over the years very little was done to maintain the maintain the trees in

1991 some of the residents got together to obtain permission to cut back overhanging dangerous limbs this proved to be a problem as no one wanted to take on responsibility as a tree preservation order was in place between 1983 and 2010 I find a few other residents regularly cut the grass and clear the woodland up to the tree line of all the rubbish that had been dumped there including shopping trolleys batteries and other rubbish over the years they also dealt with the steps. a direct debit just stopped. I confirm from 1983 all children have played on the green, barbecues as well as Christmas and other communal events were regularly held on the green over the years and has continued to the present day.

Resident 6 the president association was dissolved before I came to live here but my parents had bought when the houses were first built so I knew some of the background. Residents were told to pay an annual fee of £15 to the owners of the site and imagined they would see that the area was kept clean neat and tidy. When the neighbours found this did not happen they refused to pay the fee. Apart from the regular grass cutting residents had to clear debris that was left on the site. In later years of the last owner tree surgery took place biannually it does not happen with the current owner. Authorities now clear children now tcome from the surrounding area and the wooded area gives them scope of their imagination of playing.

I had spent 24 years living in vale bridge which backs on to the wooded area of the western side of Charlewood Gardens behind the garage. These houses were built by the same builder. When I first moved into the trees at the rear of the property seemed fairly well looked after, but by early 1990s the area had very much been abandoned brambles are taken over encourage in the dumping of unwanted and dangerous rubbish. I thought it was no-man's-land. The residents of Charlwood Gardens have continued to keep the grassed areas mowed and the wooded area as clear as possible of rubbish in order to keep the area safe and well maintained from themselves children and friends in local area. Games made amongst the trees also tree swings and the usual running and hiding games. A friend of mine who at the time was in charge of the grounds at wickhurst place looked at the trees confirmed there were too many trees in a small area during my time at the houses I only know a few tree cutting sessions one of which Lewes District Council did as one of the trees in danger of damage in the local street light and they got rid of a very large Wasps nest.

54. Contact from Tracey Taylor (Appendix G)

Email from resident Tracey Taylor, on 21 September 2020, and also from residents Gillian and John.

"We have attached a few of the documents we have obtained so far and look forward to hearing from you with possible dates of a site meeting. We are available from the 28th September onwards.

a) Companies Search showing dissolution of the management company & copy treasury Solicitors letter.

b) Pages from a report on Title

c) Timeline of the estate and Management company

We do have some statements from long standing residents. If you feel they could be of use, you can go through them at site meeting".

PART C – APPLICATION OF THE RELEVANT LAW TO THE EVIDENCE:

Application of the Commons Act 2006 and Caselaw

a) Land

55. The Application has identified a sufficiently defined area of land for registration.

b) Lawful sports and pastimes on the land

56. The user evidence questionnaires ask the user to tick boxes for all the activities they have seen taking place on the land. There were 18 user evidence forms received from 18 users. The Applicant did not provide a user evidence form but did provide information about her use on the application form which has been added to the user information.

57. Activities participated in on the Land

Activity Reported	No. of Users reporting this
Charity Events	17
Children Playing	17
Parties/Bouncy Castles/Slides	17
Cycling	12
Maintenance	12
Football	10
Picnic	10
Ball games	9
Community celebrations	7
BBQs	4
Dog walking	4
Fireworks	4
Gymnastics/running/exercise	4
Wildlife	4
Den building	3
Meetings	3
Bat watching	1
Playing with snow	1
Reading	1
Rehearsals	1

58. It is understood that these activities, given that they usually require open space and a grassy area, took place primarily on the Green, particularly as 15 of the User evidence forms state the land is known by the name of 'the Green'. Three of the eighteen user evidence forms mentioned the Green and the Wood in their naming of the land. The Applicant referred to the land as 'the green' and 'the woods' on the application form.

59. The 3 most frequent activities witnessed on the Green area are charity events, children playing and parties.

60. The Wood area of the Application

Activity in Wood	No. of Users reporting this
Children playing	2
Den building	2
Planting	2
Wildlife	2
Bird watching	1

Blackberry Picking	1
Cycling	1
Maintenance	1

It is understood that these activities took place in the Wood as this is stated as such on the application form and in the user evidence forms.

61. The Council does not consider that the lawful sports and pastimes listed above are evidence of the Wood being used as Town or Village Green. It is for the Applicant to prove the Land has been used for lawful sports and pastimes. The recorded use in the Wood is deemed to be insufficient for it to be recorded as a Town or Village Green.
62. The Physical characteristics of the land, comprising overgrown grassland, trees and shrubbery with no specific boundaries do not lend themselves to general town or village green use by local residents on a regular basis. The nature of this unmaintained land would constrain the frequent use of it for recreational purposes. It is only in recent years the wooded area was maintained to some degree and the evidence does not support this having been for a period of 20 years (ending at the time the claim was made).
63. Evidence for the use of the Wood for lawful sports and pastimes is not sufficient to satisfy the statutory test.

The Green

64. The recorded use of activities such as ball games, parties, community gatherings etc, on part of the Land known as the green area does, on the balance of probabilities, provide sufficient evidence to illustrate that lawful sports and pastimes have been enjoyed on this part of the Land. Accordingly, this element of the test has been satisfied.

c) For a period of at least 20 years

65. 10 of the user evidence forms submitted record use of the land for a period of in excess of twenty years with use continuing on the date the Application was made. There is not a requirement to show use occurred at such a rate, rather the Land "must have been used and available when needed". A considerable amount of user evidence states the land to be enjoyed weekly and daily. Upon examination of the user evidence forms it is submitted that, on the balance of probabilities, use of the claimed land has been enjoyed for a period of at least twenty years prior to the date of the Application.

Name of User	Number of Years Area Used	Frequency of Use
Aveyards, Tina	41	Weekly
Bailey, Charlotte	21	Weekly
Bailey, Christopher	21	Weekly
Bailey, Lynn	21	Weekly
Beck-Slinn, Grace	40	Weekly
Cherriman, Theresa	13	Weekly
Connors, Anna	?	Weekly
Downton, Katy	?	?
Farrell, Pamela	23	Daily
Harmes, Rick	33	Weekly
Harmsworth, Abigail	15	Daily

Hopkins, John	16	Weekly
Millard, Marion	25	Weekly
Schmocker, Daphne	28	Monthly/Annually
Solari, Deborah	10	Daily
Stephenson, Gayle	15	Weekly
Taylor, Tracey	10	Weekly
Waldman, Ann	39	Weekly
Watkins, Gemma	1	Daily

d) Local inhabitants of any locality or neighbourhood within a locality

66. Table 2 Recognisable facilities available to inhabitants in the local community.

Features	School catchment area	Church	Shops	Public House	Sports Facility	Community Hall
	5 mins away	15 mins away	5 mins away	5 mins away	5 mins away	5 mins away

67. At point 6 of the Application the Applicant is asked to identify the locality or neighbourhood to which the land relates. The Applicant identified the Land as falling within Wivelsfield parish. A plan was submitted highlighting the boundaries of this area. Please see Appendix A.

68. Whilst in the user evidence forms only a few users have listed the above features within their neighbourhood the Applicant has confirmed that there are the features within the neighbourhood.

69. The plan (at Appendix A) also records the residence of many of those who completed a user evidence form. The plan is an Ordnance Survey map at a scale thought to be of 1:5,000.

70. It is also of note that it is not necessary for the Land to only be enjoyed by local residents rather it 'is sufficient that the land is used predominantly by inhabitants of the locality.'²³ The plans illustrate this to be the case.

71. On the balance of probabilities, the locality marked by the Applicant as being within the Wivelsfield parish and forming a neighbourhood satisfies the statutory test.

Significant number

72. Based on the user evidence forms the Council believes the number of people using the Land in question is sufficient to evidence that it is in general used by the local community for lawful sports and pastimes, rather than occasional use by individuals as trespassers.

e) Have indulged 'as of right'

73. Once it has been established that those who have used the land are of a locality it must be asserted that they have enjoyed the land as of right. The meaning of 'as of right' has received legal clarification from Lord Hoffmann, who was of the opinion that it should be construed to mean, 'not by force, nor stealth, nor the licence of the owner.'²⁴ It has taken this meaning because it is not reasonable for the owner to resist actions of user because:

²³Ibid at paragraph 335

²⁴ *R v Oxfordshire County Council and Another, Ex parte Sunningwell Parish Council* [2000] 1 A.C. 335

“rights should not be acquired by the use of force, in the second, because the owner would not have known of the user and in the third, because he had consented to the user”²⁵

74. The decision of the Supreme Court in *Redcar*²⁶ further clarified the law with Lord Brown being of the opinion that there is ‘no good reason to superimpose upon the conventional tripartite test’²⁷ for the registration of land as a town or village green. Accordingly, each arm of the test shall be identified and analysed individually. For use to be as of right each part must be satisfied.

(i) Not by force

75. The parcel of land in question does not have any fences or obstructions preventing access to it from members of the public and is in effect open land - thus it would be impossible to gain access via physical force. In addition, there is no evidence of the landowner signifying their objection to use of the land. Accordingly, use has not been by force and this part of the test has been satisfied.

(ii) Not in secrecy

76. The land has been used frequently and openly by members of the public and we have no reason to believe this has been performed in secrecy. Therefore, this part of the test has also been satisfied.

(iii) Not with permission

77. The user evidence questionnaire specifically asks if permission was ever sought for activities on the land. The users consistently responded that no permission was ever obtained.

One of the arguments put forward by the objector is that use is by permission, therefore by right and not as of right, due to the existence of Charlwood Gardens Management Company Limited that was formed when the houses were built. This company was dissolved in 1987 so was not in existence within the relevant 20-year period. In addition, the Company was formed with the purpose of enabling the residents to pay contributions towards the maintenance of the Land. There is no evidence of the Company having rights of ownership of the Land or powers to permit or not permit use of the Land.

The Council has found no evidence of permission being granted for use of the Land during the 20-year period 1999-2019.

78. Upon consideration of the user evidence and the response submitted by the objector it would appear, on the balance of probabilities that use has been as of right. Therefore, this part of the test has also been satisfied.

Considerations into the feasibility of holding a Public Inquiry

79. The Commons (Registration of Town or Village Greens) (England) Regulations 2014 require that the Local Authority consults on the proposed Town or Village Green before making a determination. This process has been completed.
80. The Council, as Registration Authority retains discretion as to whether to hold an Inquiry and must give consideration as to whether 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 to accept any or all of those recommendations.

²⁵ *Ibid*

²⁶ *R (on the application of Lewis) (Appellant) v Redcar and Cleveland Borough Council and Another* [2010] 2 A.C. 70

²⁷ *Ibid* at para. 107

81. Those in favour or against the application have had the opportunity to submit their representations and these have been made available to the Panel, in full, for Members to read in the usual way and have been analysed in this report.
82. The cost implications and the further delay which would be introduced into the process in holding a public inquiry would also be considerable. It is submitted that a public inquiry would not be necessary or in the public's interest with this Panel being able to provide an objective and impartial view of all the evidence submitted.
83. The Panel is permitted to use its discretion when determining what course of action to follow; it can accept the officer recommendation put forward, it can adjourn the matter and seek further information, or as set out above, the Panel can request that a public inquiry be held.

Conclusion

The Green

84. After careful consideration of all the evidence submitted to the Council regarding the area of the Land identified as the Green, it is recommended that, on the balance of probabilities, there is sufficient evidence to show that the residents of Wivelsfield have indulged in lawful sports and pastimes, as of right, for a period of 20 years and they continued to do so on the date that the Application was made. Accordingly, section 15(2) of the Commons Act has been satisfied.
85. The objection received is not considered to counter the evidence to support the application for the Green to be added to the register of Town or Village Green.

The Wood

86. After careful consideration of all the evidence provided to the Council with regard to the area of the Land identified as the Wood, it is recommended that, on the balance of probabilities, there is insufficient evidence to show that the residents of Wivelsfield have indulged in lawful sports and pastimes, as of right, for a period of twenty years, up to the date that the Application was made. Accordingly, section 15(2) of the Commons Act has not been satisfied.

Recommendation

87. It is recommended that:

- 1) The Application to register that part of the Land at 'Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes', and now known as 'land at Charlwood Gardens Burgess Hill' (referred to as the Green) as town or village green be accepted and the register of town and village greens held at the County Council be amended accordingly.
- 2) The Application to register that part of the Land at 'Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes' (referred to as the Wood) as town or village green be rejected and the register of the town and village greens held at the County Council not be amended.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Mr Stephen Kisko, Senior Definitive Map Officer, Rights of Way.

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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.

Note 1

Insert name of registration authority.

1. Registration Authority

To the

East Sussex County Council
 St. Anne's Crescent
 County Hall
 Lewes
 E. Sussex. BN7 1UE.

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.

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.

Name: Katy Downton

37, Charlwood Garden S.
Burgess Hill.

Postcode RH15 0RD

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Name: N/A

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.

N/A

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

N/A

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 Green" + "The Woods"

Location:

Charwood Gardens. RH15 ORD.

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:

An area of green space between
number 35, 37, 39, 41, 43, 45
31, 29, 27, 25.

Charwood Gardens. RH15 ORD.

Tick here if map attached: ☒

Map A. - 'The green'

Map B - parish of Wivelsgate

Map C - Neighbourhood

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).

The green area between our houses is used daily for football, cycling, dog walking and social chats. After school most days people gather on the green while the children play. We have hosted a Macmillan tea party day, had bouncy castles, group picnics and other community events. The residents have cut the grass and maintained the borders for at least 35 years. The wooded area is used daily for birdwatching, den building and the children have a bmx track in there! We have planted wild flowers in there and there is a plan to build a bug hotel. We blackberry pick in the summer, and most years we have a rope or tyre swing. The community have cleared rubbish, taken dumped rubbish

to the tip, and cleared ivy from the trees.

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

Richard Bunnings.

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

None

10. Supporting documentation

Map A.
Evidence questionnaires
supporting quotes from children
Photographs of events.

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.

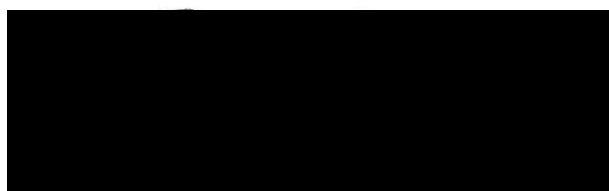
11. Any other information relating to the application

We feel that our green and our wooded area is essential to the well being of ourselves and the children. We maintain it, love it and want it to remain a public space for all the residents of Charlwood Gardens. to enjoy for future generations.

Date:

25/9/19

Signatures:



Additional Signatures on Map A.

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...Kathy Dwyer... 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 map now produced as part of this declaration is the map 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

Katy Downton.
at 37, Charwood
Gardens, Burgess Hill.
this 25th day of September.

Signature of Declarant

Before me *

Rhodi James

Signature:

Address:

3 female
HAYWARD'S HEATH RM16 4sh

Qualification:

BARRISTER

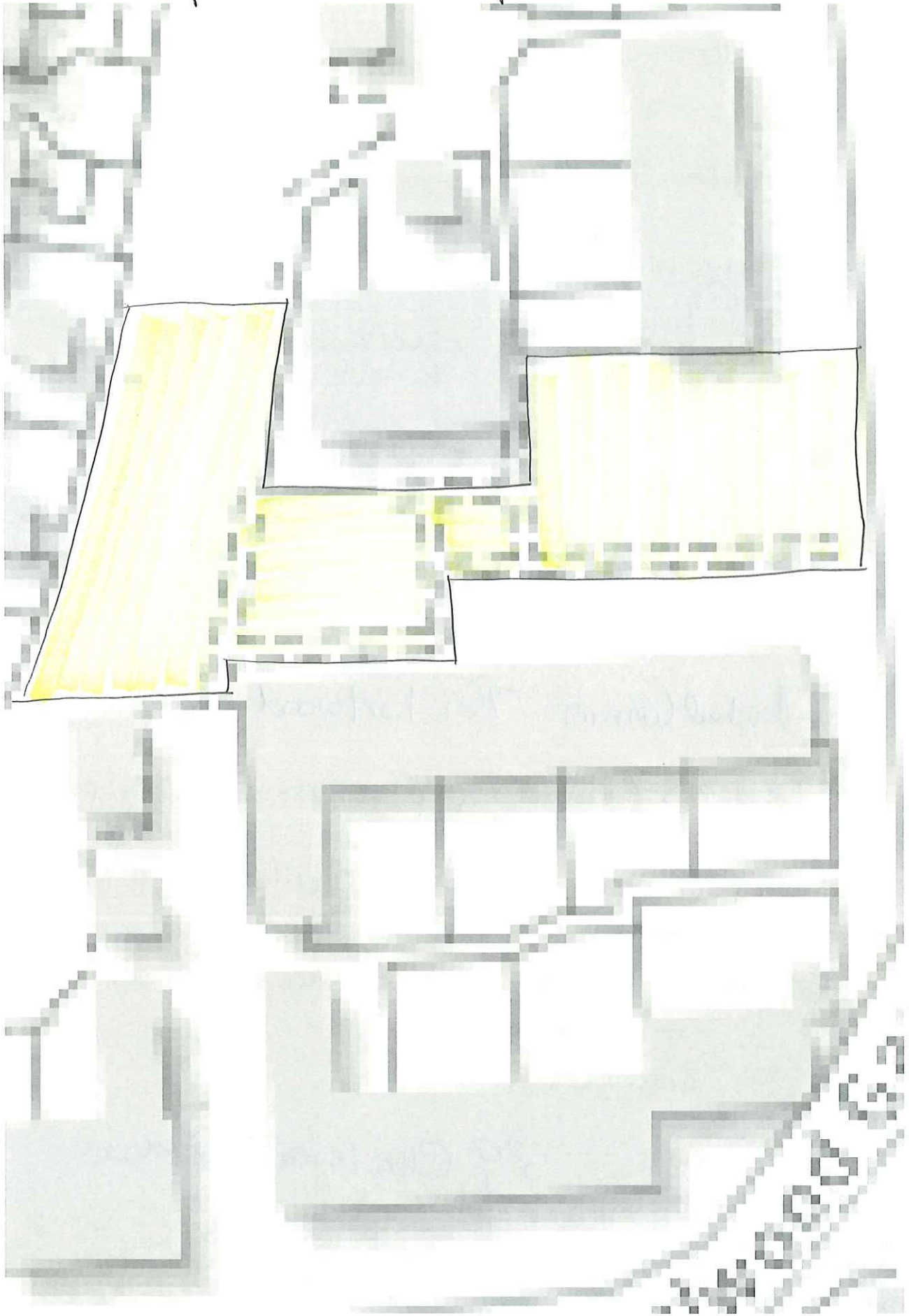
*** The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.**

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

Map A Close-up.



①

33, CHARLWOOD GARDENS ✓ (no questionnaire)

②

33, CHARLWOOD GARDENS (no questionnaire)

③

CHARLWOOD GARDENS ✓

④

CHARLWOOD GARDENS (no questionnaire)

⑤

3 CHARLWOOD GARDENS ✓

⑥

8 CHARLWOOD GARDENS ✓
Still.

⑦

31 CHARLWOOD GARDENS ✓

⑧

29, CHARLWOOD GARDENS ✓

⑨

76 CHARLWOOD GARDENS.

⑩

76 CHARLWOOD GARDENS.

⑪

41 CHARLWOOD GARDENS

16 CHARLWOOD GARDENS.

⑫

39, CHARLWOOD GARDENS

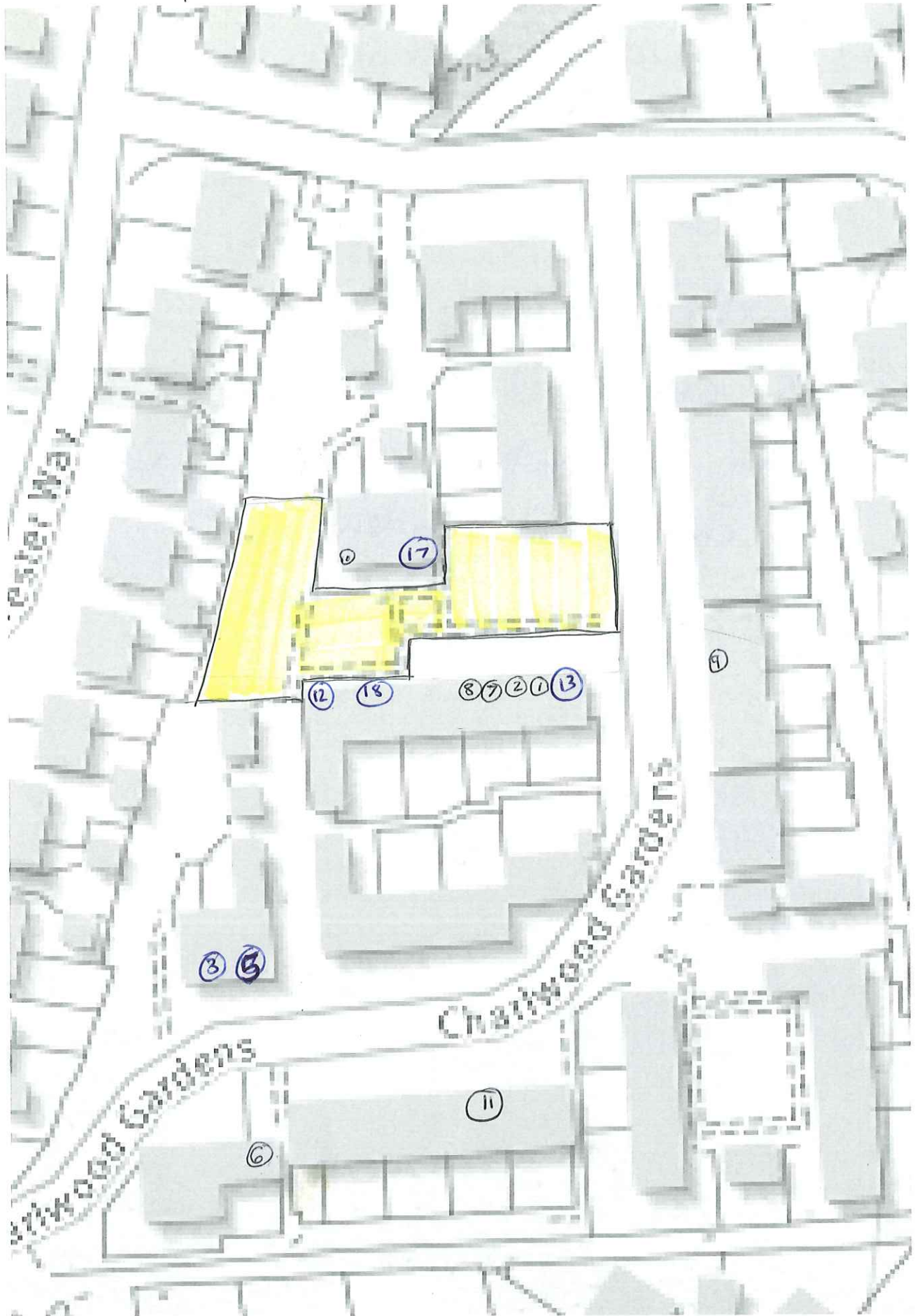
⑬

25 CHARLWOOD GARDENS

⑭

FLAT 5 ASH HOUSE
10, BERNARD CLOSE

Map A



Ordnance Survey
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For full terms and conditions please visit www.ordnancesurvey.co.uk

TQ 323 205

TQ 325 205



numbers are where signatories reside

(15)

47 Charlwood garden

(16)

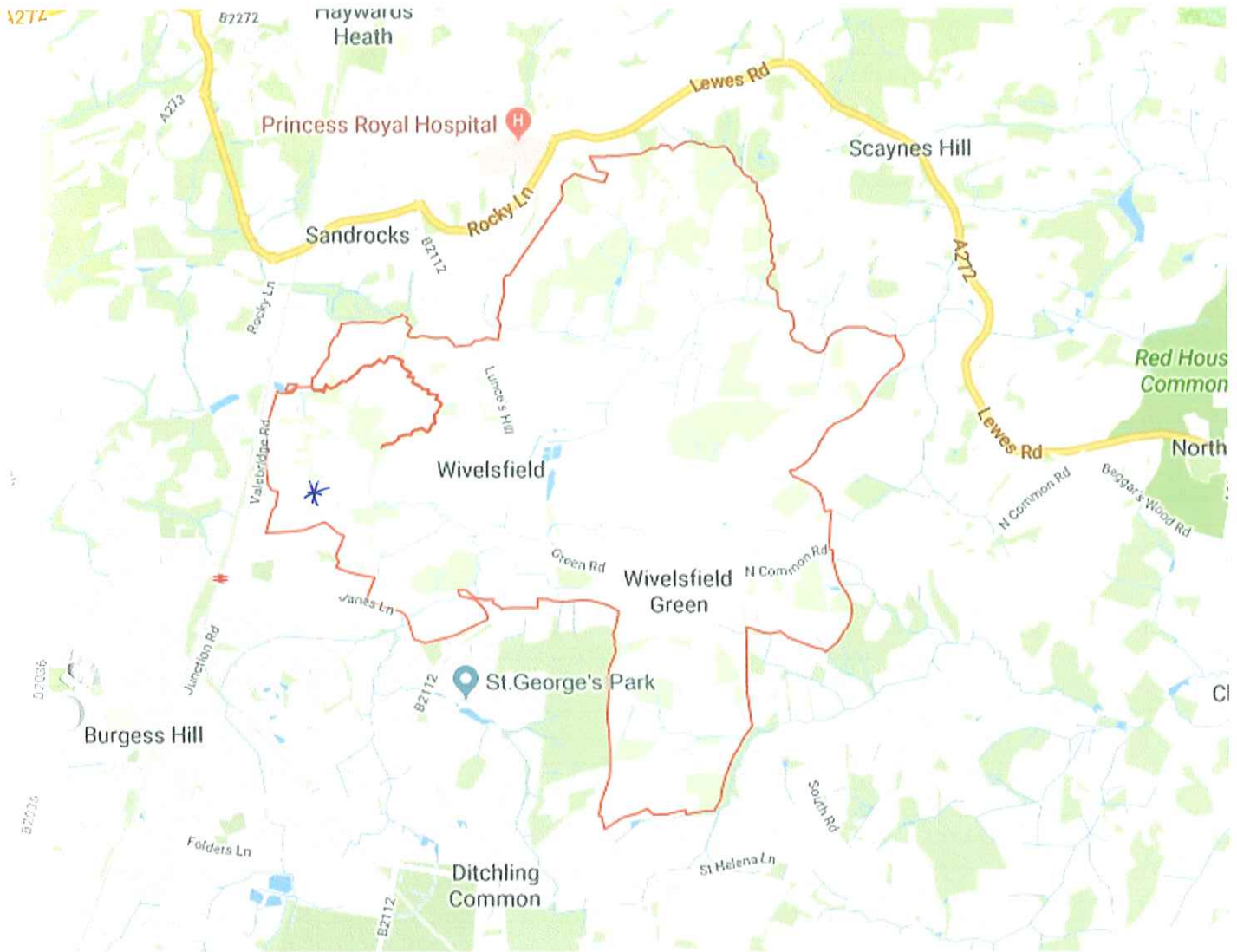
78 Charlwood Gardens

(17)

45, Charlwood Gardens

(18)

37, Charlwood Gardens

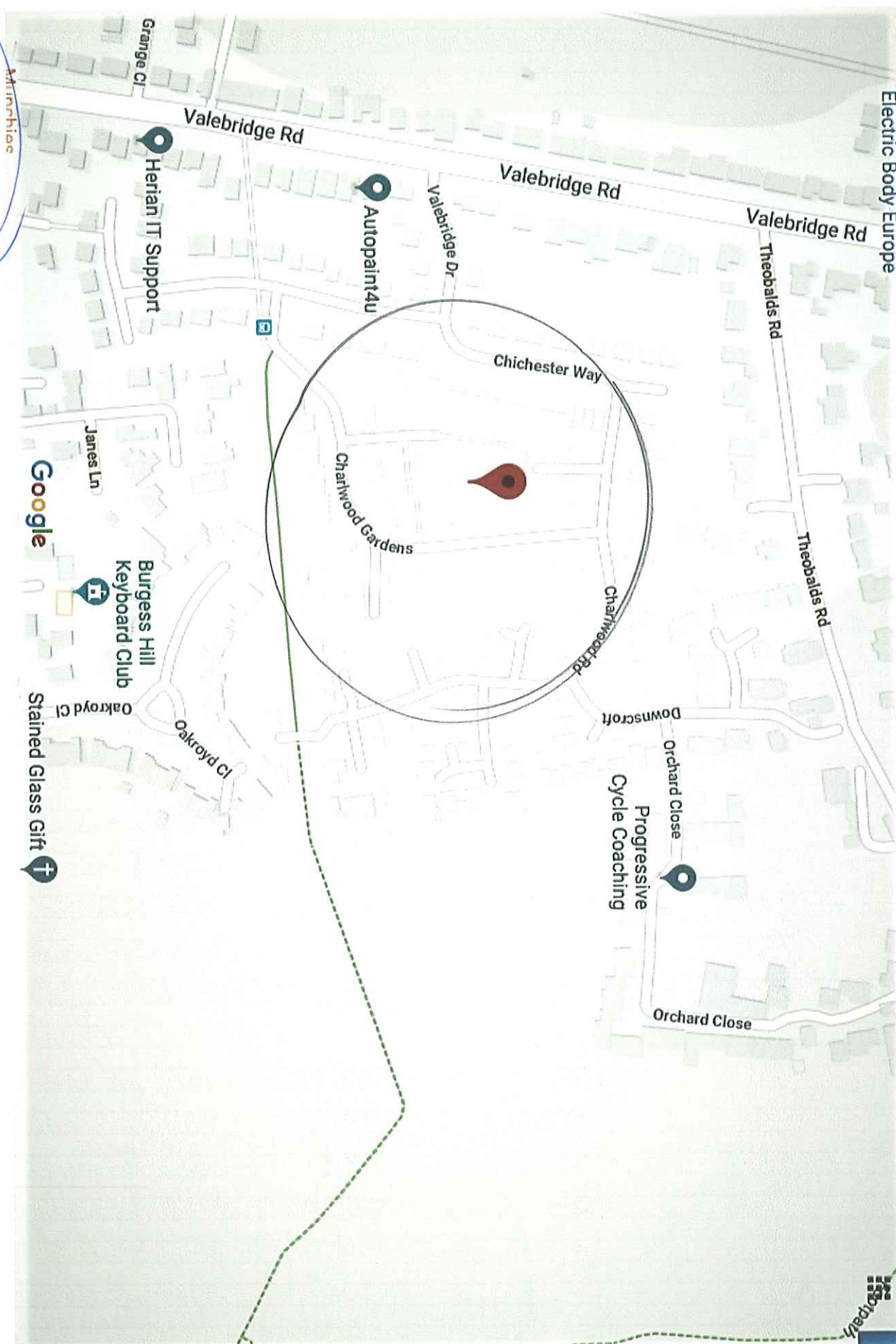


* The red line is the parish of Wivelsfield to which Charlwood Gardens belongs. Unlike our neighbours on the other side of Valebridge Rd, our school catchment is for Wivelsfield and so the children get a bus up to the school from 'our Green' everyday - and have done for 20yrs.

Map B

Neighborhood area.

Map C



Additional notes for application.

Supporting questionnaire -

There was some confusion regarding question "which of these features does/did the area near the claimed green have" - some people have answered yes, and others no.

We do indeed have a pub, sports facility (in the park) shops and a school in the "Worlds End" area. This is approximately 7mins walk from our green. There are no such facilities in our housing estate however; and none on Charlwood Gardens.

This is perhaps another reason why keeping the green and woods is so important:- the children can cycle around their "BMX" track

and around the green without
crossing a road.

Our roads have become much
busier of late due to continued
development. The roads around
Charlwood Gardens now provide
access for the Orchard Close
estate.



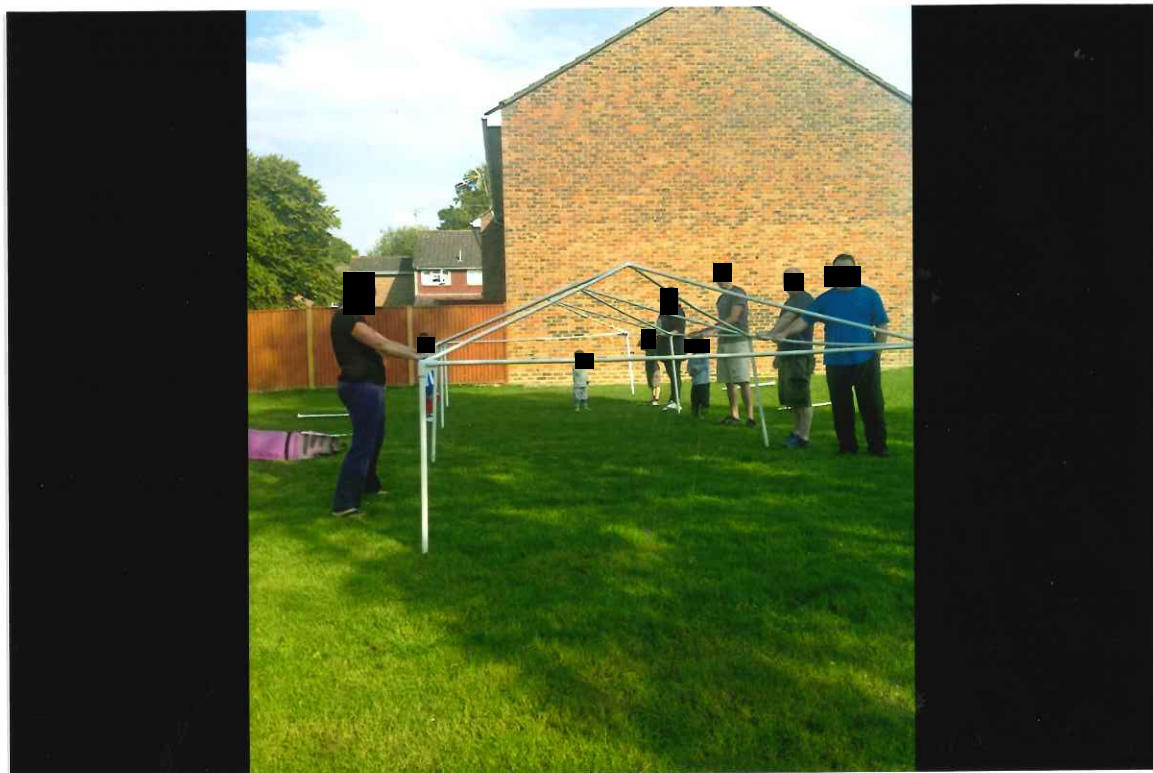
Community
fireworks
party
2011.
on the green.



Community
Halloween
gathering on
green 2010.



Hook a
duck stall
at Macmillan
tea party
on green



setting up
the stalls.

Supporting photos -

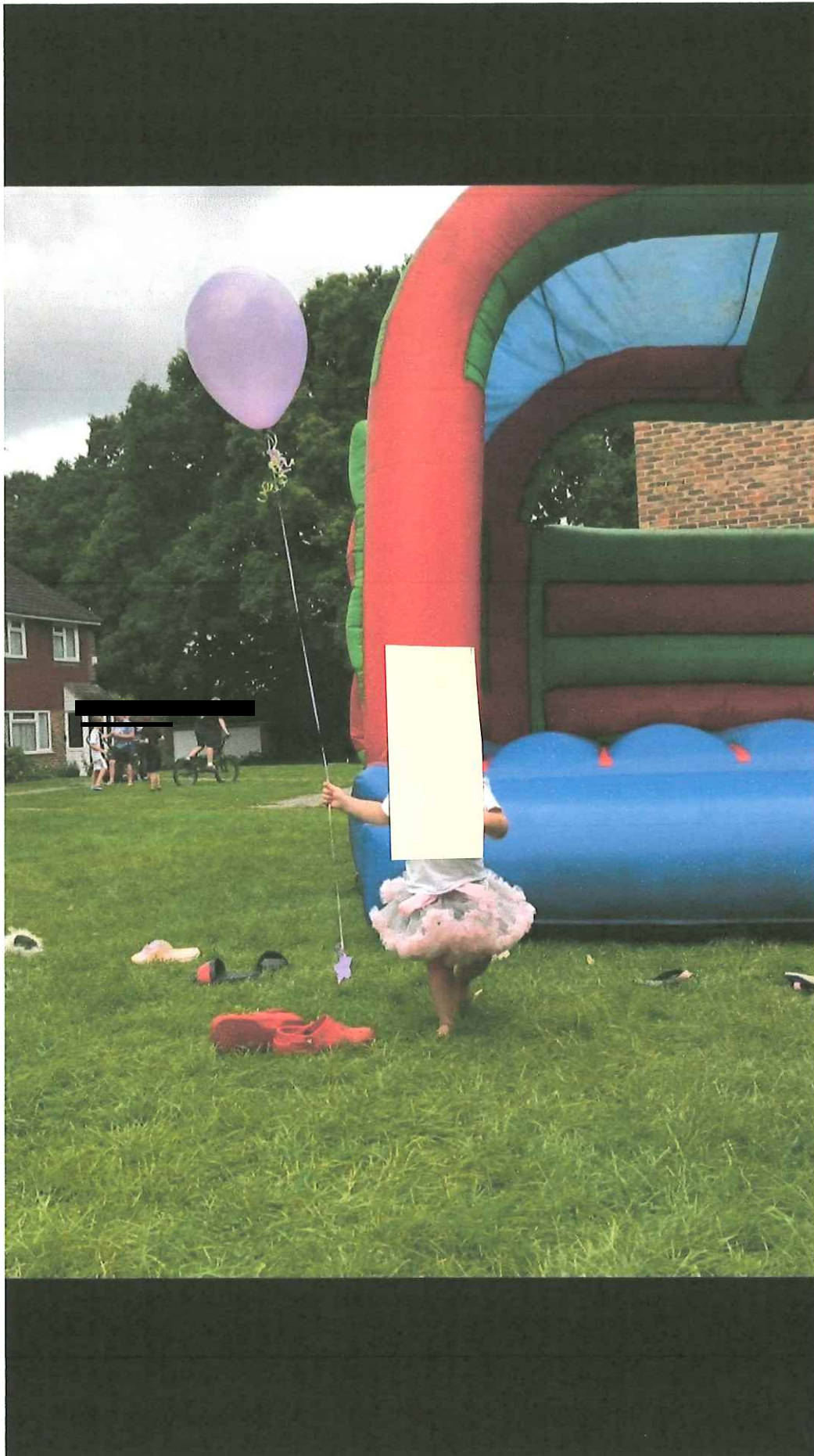


Kids 'Zumba' event on the green.

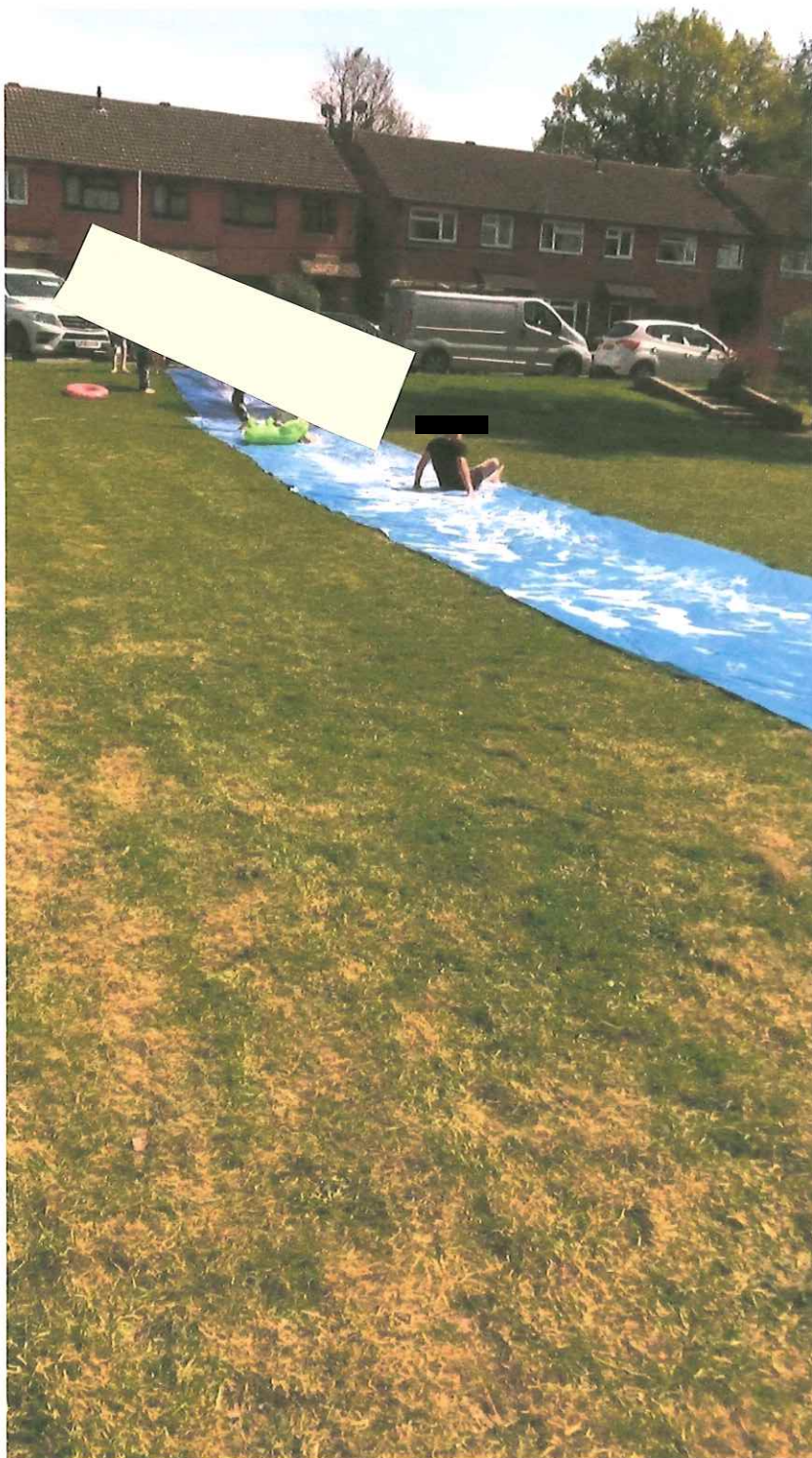


Macmillan tea party. Visit from footballers

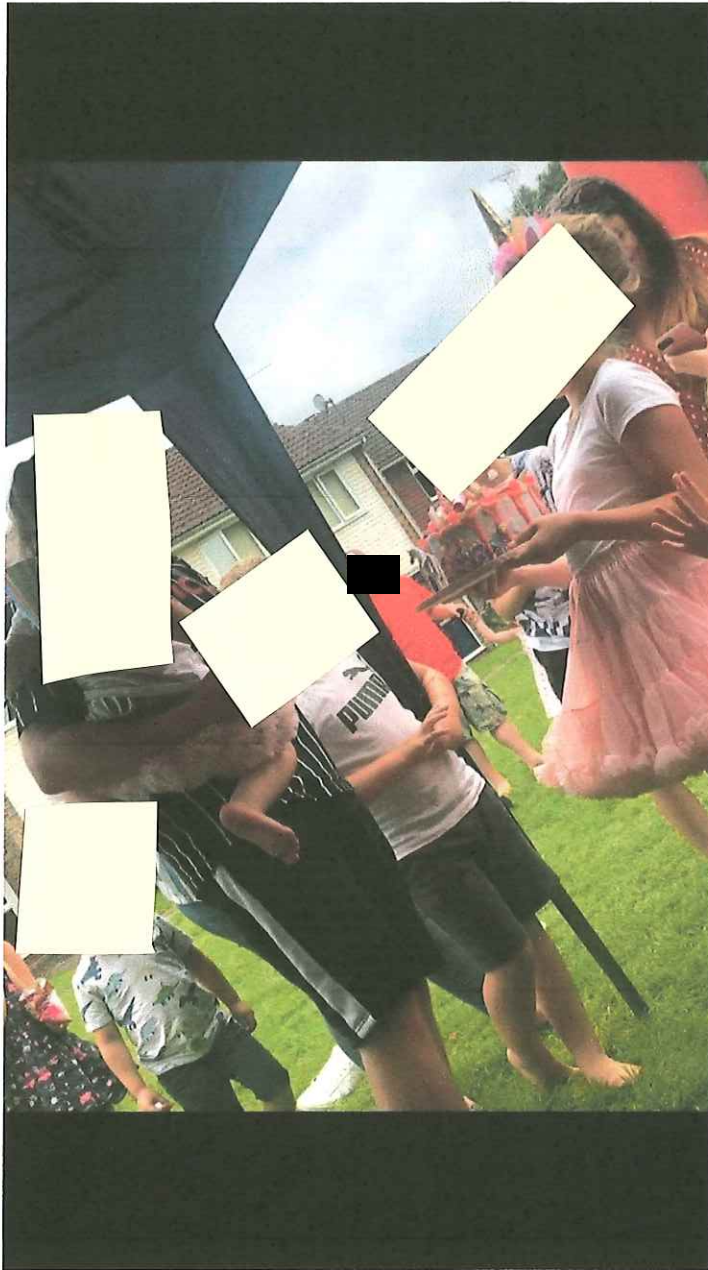
We think the Macmillan tea day was August / September 2012. on the green.



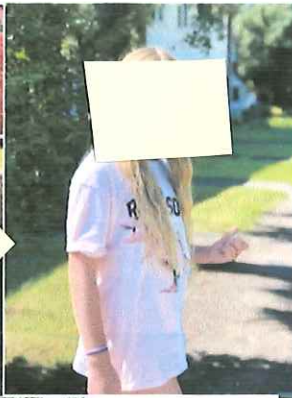
Bouncing
Castle on
the green.



Slip n Slide
on the green.



Birthday parties
on the green.



pictures on
the green over
the last 8
years.

Additional Testimonies from the children:-

(All residents of Charlwood Gardens)

“ What is the BEST thing about our green and our woods?.....”

“ It’s a good place for a den, and for playing and climbing trees. And on the green you can play football, ride your bike and do cartwheels “

Jodie 8

“ You get to play with your friends, and build dens, and dig holes and sit in them! I love the bike track best”

Eddie 6

“Doing handstands!!!”

Olivia 5

“Trying to climb trees and riding my bike around and seeing my friends”.

Harvey 8

“Running in front of the green, I like grabbing wood and making a base and going on my little car and wearing my trainers.”

Jenna- Bess 4

“ Lots of space to play football, being able to build dens and our BMX track. Also getting out our ‘ Slip and Slide’ out in the summer.”

McKenzie 12

“ Playing football, building dens, finding sticks, playing in the woods and going around on my bike.”

Jayden 11

“ Playing football, building a BMX track, climbing trees and riding my bike”

Harry 13

“ I like riding my bike and wrestling and making stuff in the woods and digging”

Junior 7

“ We like memorable times, riding our bikes , saving wildlife and making dens”

Mia 10

"I like playing with my friends, building dens and riding my bike. We play games have our 'Slip and Slide' and have birthday parties."

Alisha 10

" It is fun to play with as you have lots of sticks, build dens, and do what you want. We love the animals and the bugs"

Eva 8

" Riding my bike, playing bulldog, football, building dens in the woods and having nerf wars!!"

Dexter 7

MISS P. A. FARRELL
39, CHARWOOD GARDENS
BURGESS HILL
W. SUSSEX RH15 0RD

Although I have completed the questionnaire from my own use and observations since I have lived here I have known the area and the activities on the green since the estate was first built. My Parents bought no. 37, Charwood Gardens & were two of the first residents in approximately 1980.

'The Green' has always been a safe & secure place for children to play. It is bordered by the copse at one end, house on the two long sides and a steep slope up to the road. No major roads anywhere for danger. It is the ideal village green for the area & that is how we all view it.

[REDACTED]
[REDACTED] MISS P. A. FARRELL
24th September 2019

In 1980s - Chulwood Gardens
+ Road - 99 horses
but.

2010- horse adjunt ≥ 72 .

Google Maps 70 Charlwood Gardens



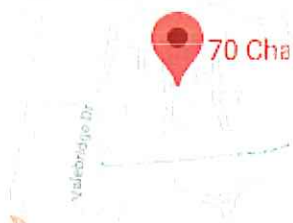
Image capture: May 2011 © 2020 Google

England

Google

Street View

Reserve



37, charwood Gardens
Burgess Hill.

Hi Natalie,

Please find enclosed our amended application; I have included 2x maps.

Regarding signatures - is there anyone in the Council that can witness please? Rodri James is a father of one of my son's friends, but I don't really know him well. I feel uncomfortable to keep asking his favours.

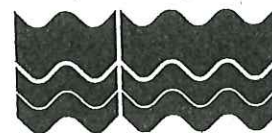
Is it possible to use a Council Lawyer for this?

Kind regards

[Redacted signature]

[Redacted]

[Redacted]



East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	TINA AVEYARD
Address	3 CHALKWOOD GARDENS BURCESS HILL RHIS ORO

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?		
Where do you live in relation to the claimed green?	JUST BEHIND IT	
Have you seen others using the land?	Yes	<input checked="" type="checkbox"/>
	No	
If you've seen other people using the land, do you know them?	Yes	<input checked="" type="checkbox"/>
	No	

When the land is used

For what period have you used the land?	Start date	1978
	End date	CURRENT
Have there been any breaks in this period of use? (please give approximate dates)	NO	
How often do you / did you use the land?	Weekly	<input checked="" type="checkbox"/>
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	<input type="checkbox"/>
	Church	<input type="checkbox"/>
	Shops	<input type="checkbox"/>
	Public house	<input type="checkbox"/>
	Sports facility	<input type="checkbox"/>
	Community hall	<input type="checkbox"/>
	Community association	<input type="checkbox"/>
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	<p>RESIDENTS HAVE HAD CHARM FUNDRAISING EVENTS</p> <p>THE YOUNG RESIDENT CHILDREN PLAY IN THIS AREA ALL THE TIME</p>
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	

Ownership of the land

Do you know who owns the land?	Yes	
	No	✓
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	No	✓
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No	✓
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	Yes	
	No	✓

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	<input checked="" type="checkbox"/>
What methods were used to discourage use?		

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

I also understand that this evidence may be presented at a non-statutory public inquiry and I authorise the applicant to use this form for that purpose.

Signed		Date	24-9-2019
--------	---	------	-----------

Please return your completed application form to the person who is organising your application for a town or village green.

If you have any questions about registering a town or village green, please contact:

Rights of Way Team
East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE

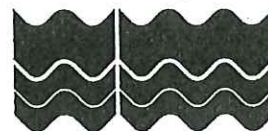
Phone: 0345 6080 193

Email: rightsofway@eastsussex.gov.uk

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www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside/



Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	CHARLOTTE BAILEY
Address	47 CHARLWOOD GARDENS BURGESS HILL RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?	Walking out my front door, green is next to door	
Where do you live in relation to the claimed green?	Right next door	
Have you seen others using the land?	Yes <input checked="" type="checkbox"/>	
	No	
If you've seen other people using the land, do you know them?	Yes <input checked="" type="checkbox"/>	
	No	

When the land is used

For what period have you used the land?	Start date	1998
	End date	Present
Have there been any breaks in this period of use? (please give approximate dates)	None at all	
How often do you / did you use the land?	Weekly	<input checked="" type="checkbox"/>
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.	N/A	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	✓
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.	N/A	

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood	None	

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	<ul style="list-style-type: none"> - parties - meetings - picnics with the Neighbours - cancer fundraising
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>- Football</p> <p>- Children playing</p> <p>- Bouncy castle</p> <p>- Slip + Slide</p>

Ownership of the land

Do you know who owns the land?	Yes	
	No	✓
What is the owner's name?	N/A	
Have you ever asked permission to use the land for any purpose?	Yes	
	No	✓
What did you asked permission for and why?	N/A	
Did anyone ever give you permission to use the land?	Yes	
	No	✓
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	Yes	
	No	✓

How were you prevented?	N/A	
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	✓
What methods were used to discourage use?	N/A	

Declaration

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Signed		Date	22 Sep 19
--------	---	------	-----------

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East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE**

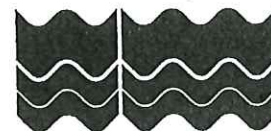
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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Christopher bailey
Address	47 Charlwood gardens Burgess hill

About the land

Name of land

By what name, if any, is the land known?	the green
--	-----------

Access to land

How do you / did you gain access to the land?	Walking out my front door the green is next to my path.	
Where do you live in relation to the claimed green?	Right next door.	
Have you seen others using the land?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If you've seen other people using the land, do you know them?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

When the land is used

For what period have you used the land?	Start date	1998
	End date	present
Have there been any breaks in this period of use? (please give approximate dates)	N/A	
How often do you / did you use the land?	Weekly	<input checked="" type="checkbox"/>
	Monthly	<input type="checkbox"/>
	Annually	<input type="checkbox"/>
If your use of the land has ended, please tell us why.	N/A	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If the general pattern of use has changed, please tell us what changes you have noticed.		
N/A		

Features about the land

Which of these features does / did the area near the claimed green have?	School	<input type="checkbox"/>
	Church	<input type="checkbox"/>
	Shops	<input type="checkbox"/>
	Public house	<input type="checkbox"/>
	Sports facility	<input type="checkbox"/>
	Community hall	<input type="checkbox"/>
	Community association	<input type="checkbox"/>
Please list any other similar features in your neighbourhood		None

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	<ul style="list-style-type: none"> - parties - meetings - picnics with the neighbors - cancer fundraising
---	---

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<ul style="list-style-type: none"> - football - children playing - Bouncy castle - Slip + Slide
---	---

Ownership of the land

Do you know who owns the land?	Yes	
	No	✓
What is the owner's name?	N/A	
Have you ever asked permission to use the land for any purpose?	Yes	
	No	✓
What did you asked permission for and why?	N/A	
Did anyone ever give you permission to use the land?	Yes	
	No	✓
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	Yes	
	No	✓

How were you prevented?	N/A	
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	✓
What methods were used to discourage use?	N/A	

Declaration

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Signed		Date	22 Sep 19.
--------	---	------	------------

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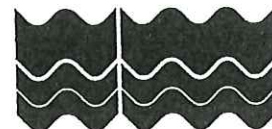
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**Evidence questionnaire supporting registration of land
as a town or village green**

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	LYNN BAILEY
Address	FLAT 5, 10 ORCHARD CLOSE RH15 0GL FORMERLY 47 CHARLWOOD GARDENS RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?	BACKS UP TO 47 CHARLWOOD GARDENS WHERE MY SON, DAUGHTER IN LAW & GRANDCHILDREN	
Where do you live in relation to the claimed green?	NOW WIFE NEXT TO THE GREEN	
Have you seen others using the land?	Yes	ALL THE TIME
	No	
If you've seen other people using the land, do you know them?	Yes	ALL FRIENDS & NEIGHBOURS
	No	

When the land is used

For what period have you used the land?	Start date	1998
	End date	NOW
Have there been any breaks in this period of use? (please give approximate dates)	NONE	
How often do you / did you use the land?	Weekly	✓
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.	N/A	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	<input type="checkbox"/>
	Church	<input type="checkbox"/>
	Shops	<input type="checkbox"/>
	Public house	<input type="checkbox"/>
	Sports facility	<input type="checkbox"/>
	Community hall	<input type="checkbox"/>
	Community association	<input checked="" type="checkbox"/>
Please list any other similar features in your neighbourhood		NONE

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	<p>McMillan fund raising events</p> <p>Community get togethers, picnics, fireworks, parties etc</p> <p>Children play there after school + weekends + holidays</p> <p>Neighbours gather to chat + welcome new comers</p>
---	---

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>All the before mentioned</p> <p>While living there I use to cut 1/2 the green every 2 weeks from 1998-2016 + other neighbours maintained the rest</p>
---	--

Ownership of the land

Do you know who owns the land?	Yes	
	No	✓
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	No	✓
What did you asked permission for and why?	N/A	
Did anyone ever give you permission to use the land?	Yes	
	No	✓
Reason	MAINTAINED BY PEOPLE LIVING BY THE GREEN ONLY	

Preventing use of the land


Have you ever been prevented from using the land?	Yes	
	No	✓

How were you prevented?	N/A	
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	✓
What methods were used to discourage use?	N/A	

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

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Signed		Date	23/9/2019
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If you have any questions about registering a town or village green, please contact:

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East Sussex County Council
County Hall
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East Sussex BN7 1UE**

Phone: 0345 6080 193

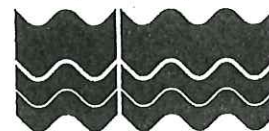
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**Evidence questionnaire supporting registration of land
as a town or village green**



Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	GRACE BECK-SLINN
Address	3 CHARWOOD GARDENS BURGESS HILL SX RATHBORO

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?	OUT BACK GATE AND THROUGH GARAGE	
Where do you live in relation to the claimed green?		
Have you seen others using the land?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If you've seen other people using the land, do you know them?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

When the land is used

For what period have you used the land?	Start date	1978/1979
	End date	STILL DO
Have there been any breaks in this period of use? (please give approximate dates)	NO	
How often do you / did you use the land?	Weekly	<input checked="" type="checkbox"/>
	Monthly	<input type="checkbox"/>
	Annually	<input type="checkbox"/>
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes <input checked="" type="checkbox"/>	
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

<p>Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)</p>	<p>YEARS AGO HAD PARTIES</p> <p>CHILDREN PLAY ON IT AND HAVE DONE FOR YEARS</p> <p>RESIDENTS HELD CHARITY AND FUNDRAISING EVENTS</p>
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>GRAND CHILDREN LEARNED TO RIDE BIKES AND PLAY FOOT BALL CHILDREN PLAY ON IT EVERY DAY. RESIDENTS ARE TRYING TO IMPROVE BY MAKING SMALL GARDENS.</p>

Ownership of the land

Do you know who owns the land?	Yes	
	No	
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	No	✓
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No	✓
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	Yes	
	No	✓

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	✓
What methods were used to discourage use?		

Declaration

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I also understand that this evidence may be presented at a non-statutory public inquiry and I authorise the applicant to use this form for that purpose.

Signed		Date	24/9/2019
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Please return your completed application form to the person who is organising your application for a town or village green.

If you have any questions about registering a town or village green, please contact:

**Rights of Way Team
East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE**

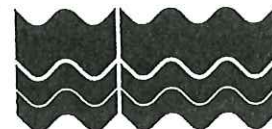
Phone: 0345 6080 193

Email: rightsofway@eastsussex.gov.uk

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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	THERESA CHERRIMAN
Address	41 CHARLWOOD GARDENS BURGESS HILL RHIS ORD

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?	DIRECTLY IN FRONT OF MY PROPERTY	
Where do you live in relation to the claimed green?	OPPOSITE	
Have you seen others using the land?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	
If you've seen other people using the land, do you know them?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	

When the land is used

For what period have you used the land?	Start date	SEPT 2006
	End date	N/A
Have there been any breaks in this period of use? (please give approximate dates)	NO	
How often do you / did you use the land?	<input checked="" type="radio"/> Weekly	
	<input type="radio"/> Monthly	
	<input type="radio"/> Annually	
If your use of the land has ended, please tell us why.	N/A	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	Maemillan fundraising event.
---	------------------------------

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p> <p>Children who live in the houses next to the green and from the surrounding area play on the green on a daily basis. Activities that the children partake in :- Riding bikes & scooters, ball games, den building, picnics, bouncy castles, water games, gymnastics, running, football.</p>	<p>The residents who live next to the green have all contributed or taken part in the upkeep of the green area by cutting the grass on a regular basis. The green is a place to socialise with the community and an open space to enjoy.</p>
---	--

Ownership of the land

Do you know who owns the land?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	
What is the owner's name?	RICHARD BUNNING	
Have you ever asked permission to use the land for any purpose?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	
Reason		

Preventing use of the land

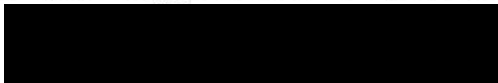
Have you ever been prevented from using the land?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

I also understand that this evidence may be presented at a non-statutory public inquiry and I authorise the applicant to use this form for that purpose.

Signed		Date	21/9/19
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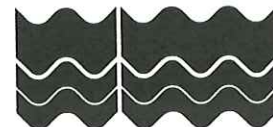
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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Anna Connors
Address	76 Charlwood gardens Burgess Hill, RH15 0RE

About the land

Name of land

By what name, if any, is the land known?	The Green
--	-----------

Access to land

How do you / did you gain access to the land?		
Where do you live in relation to the claimed green?	Opposite	
Have you seen others using the land?	Yes	yes
	No	
If you've seen other people using the land, do you know them?	Yes	yes
	No	

When the land is used

For what period have you used the land?	Start date	
	End date	
Have there been any breaks in this period of use? (please give approximate dates)	NO	
How often do you / did you use the land? Everyday	Weekly	✓
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	Yes
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>Birthday Parties Social gatherings, Kids playing before + after school everyday. Picnics Football Practice Macmillan tea party's Bouncy Castles Bike riding Maintenance such as rubbish clearing, upkeep mowing of grass - all by local residents. Exercise Dogs / wildlife / animals</p>

Ownership of the land

Do you know who owns the land?	Yes	
	No	Private landlord
What is the owner's name?	unfue	
Have you ever asked permission to use the land for any purpose?	Yes	
	No	
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No	
Reason		

Preventing use of the land

Have you ever been prevented from using the land?	Yes	
	No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

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Signed		Date	22.9.2019
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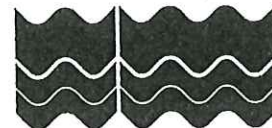
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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	MISS PAMELA AMY FARRELL
Address	39, CHARLWOOD GARDENS, BURGESS HILL, W. SUSSEX RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	WE JUST CALL IT "THE GREEN"
--	-----------------------------

Access to land

How do you / did you gain access to the land?	THROUGH MY FRONT DOOR DIRECTLY ONTO THE GREEN.	
Where do you live in relation to the claimed green?	MY HOUSE FRONTS THE GREEN.	
Have you seen others using the land?	Yes	X
	No	
If you've seen other people using the land, do you know them?	Yes	X
	No	

When the land is used

For what period have you used the land?	Start date	28 JUNE 1996
	End date	CONTINUING.
Have there been any breaks in this period of use? (please give approximate dates)	NONE	
How often do you / did you use the land?	Weekly	
	Monthly	DAILY.
	Annually	
If your use of the land has ended, please tell us why.		

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p> <p>THE AREA IS MAINLY USED BY CHILDREN AT PLAY. CHILDREN WHO LIVE AROUND THE GREEN AND IN THE LOCAL AREA.</p> <p>BECAUSE OF THE NEARBY COPSE CHILDREN USE THEIR IMAGINATION TO MAKE LITTLE DENS.</p> <p>CHILDREN REHEARSING FOR THEIR SCHOOL PERFORMANCES AND TEACHING OTHERS THEIR DANCE ROUTINES.</p>	<p>AT THE TIME OF SCHOOL SPORTS DAYS CHILDREN FROM THE AREA JOIN TOGETHER TO WORK ON THEIR SKILLS. SOMETIMES WORKING TOGETHER TO HELP EACH OTHER AND SOMETIMES VIEING WITH EACH OTHER.</p> <p>CHILDREN PLAY IMAGINATIVE GAMES WITH THEIR TOYS. BICYCLES + SCOOTERS ARE RIDDEN.</p> <p>BALL GAMES ARE PLAYED BEING IN USE BY THE LOCAL COMMUNITY IN GENERAL CHILDREN LEARN THE NEED TO BE AWARE OF THE NEEDS OF BOTH YOUNG + OLD + THIS HELPS TO MAKE THEM GOOD CITIZENS OF THE FUTURE.</p>

Ownership of the land

Do you know who owns the land?	Yes	X
	No	
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	No	X
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No	
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	Yes	
	No	X

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	X
What methods were used to discourage use?		

Declaration

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Signed		Date	24 th SEPTEMBER 2019
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Lewes
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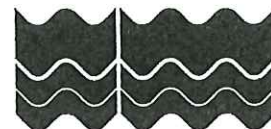
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East Sussex County Council

Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Rick HARMES (Landlord)
Address	45 CHARLWOOD GARDENS BURGESS HILL WEST SUSSEX RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	THE GREEN.
--	------------

Access to land

How do you / did you gain access to the land?	THE SIDE OF MY PROPERTY	
Where do you live in relation to the claimed green?	NEXT TO THE GREEN	
Have you seen others using the land?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	
If you've seen other people using the land, do you know them?	<input checked="" type="radio"/> Yes	ALL OTHER RESIDENTS USE IT
	<input type="radio"/> No	

When the land is used

For what period have you used the land?	Start date	1986
	End date	ON GOING
Have there been any breaks in this period of use? (please give approximate dates)	No	
How often do you / did you use the land?	<input checked="" type="radio"/> Weekly	
	<input type="radio"/> Monthly	
	<input type="radio"/> Annually	
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	WE HAVE CHARITY EVENTS AND RESIDENTS PARTIES ON THE GREEN.
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>ALL OF THE RESIDENTS CUT THE GRASS & I DID FOR MANY YEARS. GAMES WITH CHILDREN AND GRANDCHILDREN ON THE GREENS AND IN THE WOODED AREA.</p>

Ownership of the land

Do you know who owns the land?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	
What is the owner's name?	RICHARD BUNNING	
Have you ever asked permission to use the land for any purpose?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	
Reason		

Preventing use of the land

Have you ever been prevented from using the land?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

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Signed		Date	23-09-19
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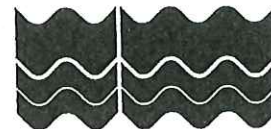
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Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	ABIGAIL HARMSWORTH
Address	33 CHALLWOOD GARDENS BURGESS HILL WEST SUSSEX RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	THE GREENS.
--	-------------

Access to land

How do you / did you gain access to the land?	FROM THE FRONT OF MY PROPERTY	
Where do you live in relation to the claimed green?	IT IS IN FRONT OF MY PROPERTY	
Have you seen others using the land?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	
If you've seen other people using the land, do you know them?	<input checked="" type="radio"/> Yes	AND OTHERS FROM AROUND THE AREA
	<input type="radio"/> No	

When the land is used

For what period have you used the land?	Start date	MARCH 2004	(OCCASIONALLY BEFORE AS LIVED AROUND THE CORNER!)
	End date		
Have there been any breaks in this period of use? (please give approximate dates)	NO		
How often do you / did you use the land?	Weekly	— WAS DAILY!	
	Monthly	—	
	Annually	— DEPENDS ON MY WORK & THE WEATHER!	
If your use of the land has ended, please tell us why.			

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	YES - PARTIES, BONFIRE PARTY WITH THE RESIDENTS, CHARITY EVENT, RESIDENTS BIRTHDAY PARTIES.
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p> <p>CUTTING OF THE GLASS CLEARING OF THE TREE AREA</p>	<p>BADMINTON WITH MY FAMILY. SET UP OUR TENT, BIKE PRACTICE BIKE RACES, CRICKET PRACTICE/ MATCHES. MACMILLON COFFEE EVENT, BALLOON FIGHTS! TAG, BOUNCY CASTLES. DENS IN THE WOOD, TREE HOUSES, TREE SWING. WATER SLIP & SLIDE. CHILDREN MEETING UP ADULTS MEETING UP TEDDIES TEA PARTY. FIREWORK PARTY / BARBEQUE BAT WATCHING</p>

Ownership of the land

Do you know who owns the land?	<input checked="" type="radio"/> Yes	
	<input type="radio"/> No	
What is the owner's name?	RICHARD BUNNING	
Have you ever asked permission to use the land for any purpose?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	<input type="radio"/> Yes	
	<input checked="" type="radio"/> No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

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Signed		Date	24/09/19
--------	---	------	----------

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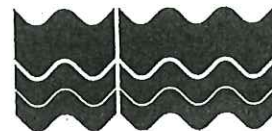
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Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	JOHN HOPKINS
Address	29, CHARLWOOD Gdns. BURGESS HILL RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?	IT IS JUST OUTSIDE MY FRONT DOOR ACROSS THE FOOTPATH.	
Where do you live in relation to the claimed green?	AS ABOVE	
Have you seen others using the land?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If you've seen other people using the land, do you know them?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

When the land is used

For what period have you used the land?	Start date	JUNE 2003
	End date	STILL DO
Have there been any breaks in this period of use? (please give approximate dates)	NO	
How often do you / did you use the land?	Weekly	<input checked="" type="checkbox"/>
	Monthly	<input type="checkbox"/>
	Annually	<input type="checkbox"/>
If your use of the land has ended, please tell us why.	N/A.	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If the general pattern of use has changed, please tell us what changes you have noticed.	n/a.	

Features about the land

Which of these features does / did the area near the claimed green have?	School	} NONE
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood	NONE	

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	BIRTHDAY PARTIES MACMILLAN'S FUND RAISING EVENT. NEIGHBOUR "GET TOGETHERS". DURING THE SUMMER THE NEIGHBOURS ORGANISE A "WATER SLIDE" EVENT WITH PLASTIC SHEETING
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>I HAVE BEEN INVOLVED IN REGULAR GRASS CUTTING - APROX TWICE A MONTH, TOGETHER WITH OTHER RESIDENTS SINCE 2003.</p> <p>THE LOCAL CHILDREN CONSTANTLY USE IT FOR THEIR GAMES. - FOOTBALL, RUNNING RACES, CRICKET, BASEBALL, CYCLING, PRACTICING HANDSTANDS, DANCE MOVES.</p> <p>THIS CAN BE DONE WHILST WAITING FOR THE SCHOOL BUS BUT CERTAINLY WHEN THEY RETURN FROM SCHOOL & HOMEWORK PERMITTING AFTER THEIR EVENING MEAL UNTIL BED TIME</p>
---	--

Ownership of the land

Do you know who owns the land?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
What is the owner's name?	RICHARD BUNNING	
Have you ever asked permission to use the land for any purpose?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
What did you asked permission for and why?	N/A	
Did anyone ever give you permission to use the land?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Reason		

Preventing use of the land


Have you ever been prevented from using the land?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

How were you prevented?	N/A	
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	✓
What methods were used to discourage use?	N/A.	

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

I also understand that this evidence may be presented at a non-statutory public inquiry and I authorise the applicant to use this form for that purpose.

Signed		Date	23/9/2019.
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Lewes
East Sussex BN7 1UE**

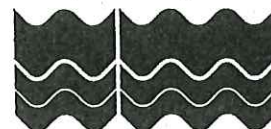
Phone: 0345 6080 193

Email: rightsofway@eastsussex.gov.uk

Data protection and personal information collected on forms

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Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	MRS. MARION MILLARD
Address	25 CHARLWOOD GDNS., BURGESS HILL RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	THE GREEN
--	-----------

Access to land

How do you / did you gain access to the land?	ADJACENT TO MY PROPERTY *SEE COMMENT OVER RE STEPS	
Where do you live in relation to the claimed green?	FACING THE GREEN	
Have you seen others using the land?	Yes <input checked="" type="checkbox"/>	
	No	
If you've seen other people using the land, do you know them?	Yes <input checked="" type="checkbox"/>	
	No	

When the land is used

For what period have you used the land?	Start date	JANUARY 1994
	End date	PRESENT
Have there been any breaks in this period of use? (please give approximate dates)	NO. LAND WAS ORIGINALLY PART OF CHARLWOOD RESIDENTS' ESTATE	
How often do you / did you use the land?	Weekly <input checked="" type="checkbox"/>	
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes X	
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.	* ACCESS STEPS FROM CHARLWOOD GARDENS TO THE GREEN ARE IN A POOR STATE OF REPAIR - ? FIT FOR PURPOSE	

Features about the land

Which of these features does / did the area near the claimed green have?	School	X
	Church	
	Shops	X
	Public house	X
	Sports facility	X
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	<p>THE GREEN IS USED DAILY BY RESIDENTS' CHILDREN AS AN EXCELLENT RECREATIONAL FACILITY WHICH INCLUDES BALL GAMES, CYCLING AND OCCASIONALLY WATER ACTIVITIES.</p> <p>AS AN OLDER RESIDENT I CAN A GREAT DEAL OF PLEASURE WATCHING THE YOUNGSTERS ENJOYING THEMSELVES IN A SAFE ENVIRONMENT.</p> <p>THE GREEN IS MAINTAINED TO A HIGH STANDARD BY CERTAIN RESIDENTS.</p>
---	---

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>SUMMER 2002 GOLDEN JUBILEE RESIDENTS' CELEBRATION PARTY.</p> <p>MORE RECENTLY RESIDENTS HAVE ORGANISED FUNDRAISING EVENT FOR MACMILLAN</p> <p>BIRTHDAY PARTIES</p> <p>BOUNCY CASTLES</p> <p>FIREWORK DISPLAYS</p> <p>HALLOWEEN ACTIVITIES</p>
---	--

Ownership of the land

Do you know who owns the land?	Yes <input checked="" type="checkbox"/>	
	No	
What is the owner's name?	RICHARD BUNNING	
Have you ever asked permission to use the land for any purpose?	Yes	
	No <input checked="" type="checkbox"/>	
What did you asked permission for and why?	/	
Did anyone ever give you permission to use the land?	Yes	
	No	
Reason		

Preventing use of the land

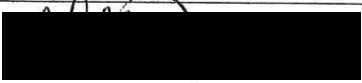
Have you ever been prevented from using the land?	Yes	
	No <input checked="" type="checkbox"/>	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No <input checked="" type="checkbox"/>	
What methods were used to discourage use?		

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

I also understand that this evidence may be presented at a non-statutory public inquiry and I authorise the applicant to use this form for that purpose.

Signed		Date	24/9/19
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Please return your completed application form to the person who is organising your application for a town or village green.

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East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE**

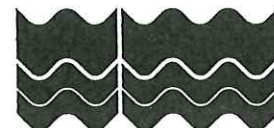
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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Ms. Daphne A. Schmocker
Address	16 Charwood Gardens. Burgess Hill RH15 0RE

About the land

Name of land

By what name, if any, is the land known?	"The Green"
--	-------------

Access to land

How do you / did you gain access to the land?	Along Footpath or down steps.	
Where do you live in relation to the claimed green?	About 3 minutes walk from "The Green"	
Have you seen others using the land?	Yes <input checked="" type="checkbox"/>	
	No	
If you've seen other people using the land, do you know them?	Yes <input checked="" type="checkbox"/>	
	No	

When the land is used

For what period have you used the land?	Start date	Children play and	From 1991
	End date	many people enjoy said land	
Have there been any breaks in this period of use? (please give approximate dates)	None. It has always been available to children and adults alike		
How often do you / did you use the land?	Weekly		
	Monthly <input checked="" type="checkbox"/>		
	Annually <input checked="" type="checkbox"/>		
If your use of the land has ended, please tell us why.	My grandson has played there. I use it when there are community gatherings		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes <input checked="" type="checkbox"/>	
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have? <i>This type of use was not applicable. It is open space, for children to play & enjoy.</i>	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood <i>① other green fairly close. However there is a road to cross to get there.</i>		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details) <i>Many celebrations occur here. Birthday parties for children for playing games, hide and seek. Coffee Mornings For various fund raising functions. Nature</i>	
--	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p> <p>Community functions, Kiddies picnics. Various birthday bashes. Many hide & seek plays. Swings on numerous type/ropes. Teaching on a non basis of nature, i.e tree, leaves, birds and anything which requires looking and searching objects out.</p>	

Ownership of the land

Do you know who owns the land?	Yes	
	No ✓	
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	No ✓	
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No ✓	
Reason		

Preventing use of the land


Have you ever been prevented from using the land? Not at the moment.	Yes	
	No ✓	

How were you prevented?	N/A	
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No <input checked="" type="checkbox"/>	
What methods were used to discourage use?		

Declaration

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Signed		Date	23/09/2019
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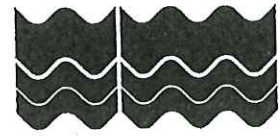
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16 Map ref

East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green



Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	MRS DEBORAH SOLARI
Address	78 CHARLWOOD GARDENS RH15 ORE

About the land

Name of land

By what name, if any, is the land known?	'The Green' & 'The Woods'
--	---------------------------

Access to land

How do you / did you gain access to the land?	Walk across road	
Where do you live in relation to the claimed green?	opposite	
Have you seen others using the land?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If you've seen other people using the land, do you know them?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

When the land is used

For what period have you used the land?	Start date	2009
	End date	to date
Have there been any breaks in this period of use? (please give approximate dates)	No	
How often do you / did you use the land?	Weekly	<input checked="" type="checkbox"/> most days
	Monthly	<input type="checkbox"/>
	Annually	<input type="checkbox"/>
If your use of the land has ended, please tell us why.	N/A	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	✓
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.	N/A	

Features about the land

Which of these features does / did the area near the claimed green have?	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	<p>MacMillan coffee mornings.</p> <p>Community fire-works</p> <p>Birthday parties</p> <p>festive/seasonal gatherings</p>
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>sledging, building 'snowmen', playing, cycling, dog walking, paddling pools & 'slip & slide', bouncy castles, BBQs, children playing in tents, rope swing, scootering, football, cricket, socialising, community school bus stop, badminton, ball games, charity events, birthday parties, planting (woods), planned bug hotel, maintenance by residents</p>

Ownership of the land

Do you know who owns the land?	Yes	
	<input checked="" type="radio"/> No	
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	<input checked="" type="radio"/> No	✓
What did you asked permission for and why?	/	
Did anyone ever give you permission to use the land?	Yes	
	<input checked="" type="radio"/> No	
Reason	have used for years as part of our neighbourhood green.	

Preventing use of the land

Have you ever been prevented from using the land?	Yes	
	<input checked="" type="radio"/> No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

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Signed		Date	22/09/19
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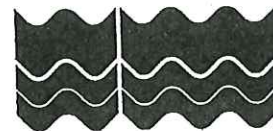
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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Crayle Stephenson
Address	8 cherlwood Gardens Burgess Hill

west sussex RH15 0RE

About the land

Name of land

By what name, if any, is the land known?	The Green & The woods
--	-----------------------

Access to land

How do you / did you gain access to the land?	Via the Garage road - access.	
Where do you live in relation to the claimed green?	other end of Garages.	
Have you seen others using the land?	Yes	✓
	No	
If you've seen other people using the land, do you know them?	Yes	✓
	No	

When the land is used

For what period have you used the land?	Start date	March 2004
	End date	N/A - ongoing
Have there been any breaks in this period of use? (please give approximate dates)	no.	
How often do you / did you use the land?	Weekly	✓
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.	—	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	✓
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	5 mins	✓
	Church	15 mins	✓
	Shops	5 mins	✓
	Public house	5 mins	✓
	Sports facility	5 mins	✓
	Community hall	5 mins	✓
	Community association		
Please list any other similar features in your neighbourhood			

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	Community get together, tea party (charity) Picnics, Birthday parties. Social gatherings Halloween, fireworks, childrens activities
---	--

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>Picnics learning to ride bikes tennis cycling Football -my children are learning valuable skills by socialising in a safe neighbourhood environment.</p>
---	---

Ownership of the land

Do you know who owns the land?	Yes	<input checked="" type="checkbox"/>
	No	
What is the owner's name?	MR BUNNING	
Have you ever asked permission to use the land for any purpose?	Yes	
	No	<input checked="" type="checkbox"/>
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	<input checked="" type="radio"/> No	
Reason		

Preventing use of the land

Have you ever been prevented from using the land?	Yes	
	<input checked="" type="radio"/> No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

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Signed		Date	24-9-19
--------	---	------	---------

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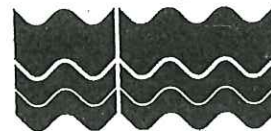
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East Sussex County Council

Evidence questionnaire supporting registration of land
as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	MRS TRACEY TAYLOR.
Address	31 Charlwood Gardens, Burgess Hill, W. SX. RH15 6RD

About the land

Name of land

By what name, if any, is the land known?	The Green & The Woods
--	-----------------------

Access to land

How do you / did you gain access to the land?	Purchased our house	
Where do you live in relation to the claimed green?	Adjacent to it.	
Have you seen others using the land?	Yes	X
	No	
If you've seen other people using the land, do you know them?	Yes	X
	No	

When the land is used

For what period have you used the land?	Start date	May 2005
	End date	until Present
Have there been any breaks in this period of use? (please give approximate dates)	/	
How often do you / did you use the land?	Weekly	X
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.	/	

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	X
	No	
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	X
	Church	
	Shops	X
	Public house	X
	Sports facility	X
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood		

Events or activities

<p>Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)</p> <p>Over the years we as a community have held Barbecues, Parties & Charity Events. Please find Enclosed Photo's from our MacMillan Coffee</p>	<p>Afternoon. (We Raised over £1600) Fabulous Turn out with the Community. Baking cakes, Face Painting etc. We also had a Raffle with a Signed Brighton & Hove Albion shirt that was donated by Mr. Buckley. who ever Along with Mr Burns came to the event.</p>
---	--

we had a lady doing zumba with / for the children. Plus a book	today. e Hook a duck.
<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p> <p>Dogs playing with balls</p> <p>cricket</p> <p><u>Very Social Area.</u></p> <p>Please note that the Community for 30+ Years has Maintained The upkeep of Grass.</p>	<p>Macmillan coffee Morning</p> <p>Firework Parties</p> <p>Halloween Parties</p> <p>Birthday Parties</p> <p>football games.</p> <p>Badminton</p> <p>children learning to ride their Bikes.</p> <p>Picnic's</p>

Ownership of the land

Do you know who owns the land?	Yes	X
	No	
What is the owner's name?	Richard Bunnings.	
Have you ever asked permission to use the land for any purpose?	Yes	
	(No)	X
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	(No)	X
Reason		

Preventing use of the land

Have you ever been prevented from using the land?	Yes	
	(No)	X

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	<u>No</u>	X
What methods were used to discourage use?		

Declaration

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Signed		Date	22 / 9 / 19.
--------	---	------	--------------

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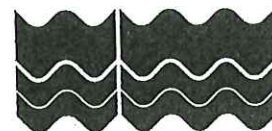
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① Map reference



Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Ann Waldman
Address	52 Charlwood Gardens. Burgess Hill. SUSSEX RH15 0RE

About the land

Name of land

By what name, if any, is the land known?	The Green: Common Ground
--	--------------------------

Access to land

How do you / did you gain access to the land?	To walk	
Where do you live in relation to the claimed green?	To the side of it.	
Have you seen others using the land?	Yes <input checked="" type="checkbox"/>	
	No	
If you've seen other people using the land, do you know them?	Yes <input checked="" type="checkbox"/>	
	No	

When the land is used

For what period have you used the land?	Start date	1980
	End date	2019
Have there been any breaks in this period of use? (please give approximate dates)	NO	
How often do you / did you use the land?	Weekly <input checked="" type="checkbox"/>	
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes <input checked="" type="checkbox"/>	
	No <input type="checkbox"/>	
If the general pattern of use has changed, please tell us what changes you have noticed.		
NO changes.		

Features about the land

Which of these features does / did the area near the claimed green have? play area etc.	School	
	Church	
	Shops	
	Public house	
	Sports facility	
	Community hall	
	Community association	
Please list any other similar features in your neighbourhood in a square, in front of our houses - much needed.		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	BBA. family parties. children play area. communal area.
---	---

<p>Please list all the activities that you have taken part in or have seen taking place on the land. (where possible, please provide details and dates)</p>	<p>B B a family day children play area parties.</p>

Ownership of the land

Do you know who owns the land?	Yes <input checked="" type="checkbox"/>	
	No	
What is the owner's name?	Richard	
Have you ever asked permission to use the land for any purpose?	Yes	
	No	
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No	
Reason	communal land	

Preventing use of the land

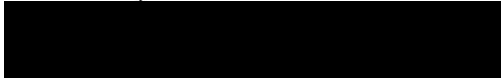
Have you ever been prevented from using the land?	Yes	
	No	

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	
What methods were used to discourage use?		

Declaration

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Signed		Date	22.9.19.
--------	---	------	----------

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Lewes
East Sussex BN7 1UE**

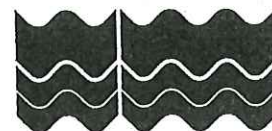
Phone: 0345 6080 193

Email: rightsofway@eastsussex.gov.uk

Data protection and personal information collected on forms

Where we ask you for personal information through a form, this information will only be used for the purpose indicated and it will be held in a secure manner. It will not be used for any other purpose without your permission and will not be kept for longer than necessary. Please see our privacy policy for further information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside/



Evidence questionnaire supporting registration of land as a town or village green

Each resident should complete one form in support of registering land as a village green, saying when and how they use this land. Please mark answers with an 'x' as appropriate.

About you

Name	Gemma Watkins
Address	45 Charlwood Gardens Burgess Hill RH15 0RD

About the land

Name of land

By what name, if any, is the land known?	The Green
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Access to land

How do you / did you gain access to the land?	it is out the front of the house	
Where do you live in relation to the claimed green?	↕	
Have you seen others using the land?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If you've seen other people using the land, do you know them?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

When the land is used

For what period have you used the land?	Start date	July 2018
	End date	Still here.
Have there been any breaks in this period of use? (please give approximate dates)		
How often do you / did you use the land?	Weekly	every day.
	Monthly	
	Annually	
If your use of the land has ended, please tell us why.		

During the time you have used the land, has the general pattern of use remained basically the same?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
If the general pattern of use has changed, please tell us what changes you have noticed.		

Features about the land

Which of these features does / did the area near the claimed green have?	School	<input type="checkbox"/>
	Church	<input type="checkbox"/>
	Shops	<input type="checkbox"/>
	Public house	<input type="checkbox"/>
	Sports facility	<input type="checkbox"/>
	Community hall	<input type="checkbox"/>
	Community association	<input type="checkbox"/>
Please list any other similar features in your neighbourhood		

Events or activities

Do you know of any organised or community activities that take place, or have taken place, on the land? (please provide details)	macmillan coffee morning
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<p>Please list all the activities that you have taken part in or have seen taking place on the land.</p> <p>(where possible, please provide details and dates)</p>	<p>Children Ride bikes, Play football, make dens Children made a bike track, picnics when the suns out. parties on the green Bug Hunting in wood area collecting acorns children playing in tents leaf collecting gardening. Residents cutting grass, and collecting rubbish. kids on Scooters, ball games, reading on the green when sunny.</p>

Ownership of the land

Do you know who owns the land?	Yes	
	No	<input checked="" type="checkbox"/>
What is the owner's name?		
Have you ever asked permission to use the land for any purpose?	Yes	
	No	<input checked="" type="checkbox"/>
What did you asked permission for and why?		
Did anyone ever give you permission to use the land?	Yes	
	No	
Reason		

Preventing use of the land

Have you ever been prevented from using the land?	Yes	
	No	<input checked="" type="checkbox"/>

How were you prevented?		
Has any attempt ever been made by notice, fencing or other method to prevent or discourage local residents using the land?	Yes	
	No	<input checked="" type="checkbox"/>
What methods were used to discourage use?		

Declaration

I understand that the evidence form I have completed in relation to this application may become public knowledge and I authorise the applicant to disclose this form to anyone reasonably requiring access to this application.

I also understand that this evidence may be presented at a non-statutory public inquiry and I authorise the applicant to use this form for that purpose.

Signed		Date	23.9.19
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Please return your completed application form to the person who is organising your application for a town or village green.

If you have any questions about registering a town or village green, please contact:

**Rights of Way Team
East Sussex County Council
County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE**

Phone: 0345 6080 193

Email: rightsofway@eastsussex.gov.uk

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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number ESX22536

Edition date 22.07.2015

- This official copy shows the entries on the register of title on 11 FEB 2020 at 09:30:32.
- 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 11 Feb 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

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

EAST SUSSEX : LEWES

- 1 (30.11.1966) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes.
- 2 The land has the benefit of a right of way over the land tinted brown on the title plan.
- 3 A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 4 The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 5 The extent of the land edged and numbered ESX31728 in green on the title plan has been amended.
- 6 The land in this title has the benefit of the rights granted by a Deed dated 31 December 1979 made between (1) Kenneth Stuart and (2) I Ross (Estates) Limited relating to the surface water drainage system in the locality of 2 Chichester Way.

NOTE:-Copy filed.

- 7 The land has the benefit of the following rights reserved by the Transfer dated 14 September 1984 referred to in the Charges Register:-

"EXCEPT AND RESERVING to the Vendor

(a) The right to enter upon the land coloured blue on the said plan at any time with or without men plant and machinery within eighty years of the date hereof (which shall be the perpetuity period applicable hereto) and therein at the Vendor's own expense to construct and lay drains channels sewers pipes wires cables watercourses and gutters ("the service installations") and to make connections to the service installations which now exist or shall hereafter (but within such period) be made or exist in upon or under the said land the Vendor causing as little disturbance as possible and making good the surface of the said land after any exercise of the said rights.

(b) The right to the free passage and running of water soil gas

A: Property Register continued

electricity and other services through the service installations now existing or made or existing within such period the Vendor paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the same.

(c) The right to enter upon the said land after giving reasonable notice (except in the case of emergency) so far as may be necessary for the purpose of inspecting cleansing maintaining repairing and renewing the service installations the Vendor making good any damage caused to the said land by the exercise of such right of entry".

NOTE:-The land coloured blue referred to is tinted mauve on the supplementary plan to the title plan.

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 (10.05.2011) PROPRIETOR: 85 SACKVILLE ROAD LIMITED (Co. Regn. No. 04351147) of The Coach House, Ardingly Road, Lindfield, West Sussex RH16 2QY.
- 2 (10.05.2011) The price stated to have been paid on 20 April 2011 was £35,000.

C: Charges Register

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

- 1 A Conveyance of the land in this title and other land dated 3 November 1920 and made between (1) Percy Portway Harvey (Vendor) (2) George Smith (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 2 A Conveyance of the land in this title and other land dated 29 March 1926 made between (1) William Fuller (Vendor) and (2) Anne Eliza Savill (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 3 The land is subject to the following rights contained in the Conveyance dated 29 March 1926 referred to above:-

"Subject to all rights of way water light and other easements affecting the same and all other rights of adjoining owners"

- 4 An Agreement dated 17 August 1954 made between (1) The Burgess Hill Water Company and (2) Amy Eleanor Biggs relates to the supply of water to Oakroyd Farm Buildings and Farm House.

NOTE:-Copy Application for registration of Land Charge filed under SX83857.

- 5 The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 August 1966 made between (1) Amy Eleanor Biggs (Vendor) and (2) Stanton Estates Limited (Purchaser):-

"EXCEPT AND RESERVED unto the Vendor the full right and use at all times of the water main passing through or under the said property serving the Vendor's adjoining property shown edged blue on the said plan PROVIDED ALWAYS that if it shall be necessary to alter the position of the said water main in connection with the development of the land hereby Conveyed the Purchaser shall be responsible for all costs and expenses involved in connection with the same and shall not in any event deprive the said adjoining property of the Vendor of a water supply".

C: Charges Register continued

NOTE:-The land edged blue referred to is Oakroyd Farm.

- 6 The land is subject to rights of drainage and rights in respect of water gas and electricity supply services.
- 7 The parts of the land affected thereby is subject to the following rights granted by a Deed dated 8 December 1976 made between (1) I. Ross (Estates) Limited (Grantor) and (2) The South Eastern Electricity Board (Board):-

"FULL RIGHT AND LIBERTY for the Board and its successors in title to lay and maintain (which expressions shall without prejudice to the generality thereof include to use and from time to time to repair alter relay renew supplement inspect examine test and remove) electric lines (an electric line being a wire or wires conductor or other means used for the purpose of conveying transmitting or distributing electricity with any casing coating covering tube pipe or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric currents under the land coloured yellow (hereinafter referred to as "the yellow land") on the plan No. CE.125 attached hereto and to break up the surface thereof so far as may be necessary from time to time for all or any of such purposes and also for all or any of such purposes to enter the said Property TO HOLD the said rights and liberties unto the Board fee simple as appurtenant to the Board's undertaking".

This Deed contains the following covenant:-

"THE Grantor to the intent and so as to bind the said Property and every part thereof into whosoever hands the same may come and to benefit and protect the easements hereby granted hereby covenants with the Board not to do or permit or suffer to be done or permitted on or near the yellow land any act which would in any way interfere with or damage any electric line laid by the Board in the exercise of the rights hereby granted nor to alter or permit or suffer to be altered the existing level of nor cover the surface of the yellow land in such a manner as to render access by the Board to any such electric line impracticable or more difficult than when such electric line is first laid in the exercise of the rights hereby granted AND in particular but without prejudice to the generality of the foregoing not to erect any building or structure (except as shown on the said Plan) nor plant any trees within a distance of 1.5 metres of the yellow land PROVIDED ALWAYS and it is hereby agreed and declared that (without prejudice to the proviso to Clause 2 hereof) nothing in the foregoing covenant contained or implied shall prevent the laying of appropriate surfaces on the estate roads and footpaths or on such of them or the yellow lands as comprise or form part of roads or footways after such electric lines have been laid".

NOTE:-The yellow land and land within 1.5 metres thereof is tinted yellow and hatched blue respectively on the title plan.

- 8 An Agreement dated 8 July 1976 made between (1) I. Ross Estates Limited (The owner) and (2) East Sussex County Council (the Council) relates to the construction and adoption of the road tinted blue on the filed plan and contains the following provision:-

"SO soon as the Council make the declaration hereinafter mentioned the Owner shall without cost to the Council forthwith execute and complete or procure the execution and completion by all necessary parties of an assurance to the Council of the said road unless the Council shall not desire the Owner to execute or through the execution of such an assurance to the Council and the Owner shall first ascertain in writing the Council's wishes in this respect The Owner shall not without the consent in writing of the Council convey or contract to convey any part of the said road to any other person or persons or grant any rights thereover except a right of way for all purposes in accordance with any planning permission granted by the Local Planning Authority in respect of the said land"

- 9 The parts of the land affected thereby are subject to the following rights granted by a Deed dated 17 November 1977 made between (1) I. Ross(Estates) Limited and (2) Mid-Sussex Water Company.

C: Charges Register continued

This Deed also contains the following covenant by the Grantor.

"1. THE grantor as beneficial owner hereby grants unto the company FULL right and liberty in under or upon the land having a uniform width of ten feet situate on the east side of Valebridge Drive and Chichester Way in that part of Burgess Hill lying in the Parish of Wivelsfield and County of East Sussex (which land is for the purpose of identification only and not by way of limitation or enlargement Coloured red on the said plan) at all times hereafter and from time to time to construct and maintain a line or lines of pipes with or without ducts TOGETHER with all such Valve-boxes hydrant boxes inspection chambers cocks sluices washout valves hydrants stopcocks junctions cables and other apparatus as the company may think fit and installed below at or above ground level and all necessary or convenient markers indicating the position of the said Pipes and other apparatus and at all times hereafter and from time to time to maintain replace inspect enlarge remove and do all other works in connection with and supply water through the said pipes and other apparatus and in connection with the company's water undertaking which the Company shall deem necessary or advisable TOGETHER ALSO with the natural right of support heretofore enjoyed by the said land TO HOLD the said right and liberties unto the company in fee simple for the purpose of its statutory undertaking.

2. THE ownership of all pipes and apparatus laid and installed in pursuance of the rights and liberties hereby granted remains vested in the company.

3. THE company its agents contractors servants and workmen shall be entitled to enter upon the adjoining land of the grantor and open up the layoff coloured red on the said plan and to pass and repass with or without vehicles and appliances over and along all adjoining land of the grantor for the purpose of exercising the right and liberties hereby granted.

.....
..

5. THE grantor to the intent and so as to bind the land coloured red on the said plan into whosoever hands the same may come and to benefit and protect the statutory undertaking of the company or any part or parts thereof hereby covenants with the company at all times hereafter to observe and perform the restrictions and stipulations set out in the Second Schedule hereto.

THE SECOND SCHEDULE

1. The surface of the said land coloured red on the said plan shall not be lowered nor shall the surface thereof be raised by more than one foot above the existing level otherwise than with the consent in writing of the company.

2. Not to do anything which may interfere with the right of support hereby granted.

3. Nothing shall be built erected constructed laid placed or grown in under or upon the land coloured red on the said plan other than objects removable on the demand of the company or shallow rooted plants or crops".

NOTE:-The land coloured red is hatched red on the title plan.

- 10 The estate road and footpaths are subject to rights of way.
- 11 The parts of the land affected thereby which adjoin the parts edged and numbered in green on the title plan are subject to rights of entry for the purpose of repairing maintaining painting or rebuilding the property on the parts so edged and numbered.
- 12 The garage forecourts are subject to rights of way.
- 13 The side and rear footpaths are subject to rights of way on foot only.
- 14 The land is subject to the following rights granted by a Transfer of the land edged and numbered ESX102666 in green on the title plan dated 14 September 1984 made between (1) I. Ross (Estates) Limited (Vendor)

C: Charges Register continued

and (2) Dandel Limited (Purchaser):-

"TOGETHER WITH

(1) The free and uninterrupted passage and running of water soil gas and electricity through the sewers drains and watercourses and the gas and electric pipes wires and cables hereinafter referred to as "the Services") which are now or may within eighty years from the date of completion be through on under or over other parts of the Vendor's Charlwood Gardens and Charlwood Road extended Estate ("the Estate") being the land now or formerly Registered within the title above mentioned (insofar as the same serve the Property) jointly or in common with the Vendor and all other person or persons who are now or may hereafter be entitled to connect with or use the services the Purchaser bearing paying and contributing together with such other persons a fair proportion according to the extent to which their respective land is served thereby of the costs of repairing maintaining renewing and cleansing the services and a right of entry on to the other parts of the Estate for the purpose of connecting to repairing maintaining renewing and cleansing the services the Purchaser making good forthwith at its own expense all damage occasioned by such entry.

(2) The right for the Purchaser and its successors in title owner or owners for the time being of the property or of any parts thereof and all persons authorised by it at reasonable times to enter upon the adjoining land of the Estate for the purpose of repairing maintaining painting or rebuilding any future building on the Property the person exercising such right making good at his own expense any disturbance thereby caused.

(3) The right for the Purchaser to construct a footpath four feet wide on the land hatched black on the said plan between the points "C" and "D" and a right for the Purchaser and its successors in title to pass and repass on foot only along the said footpath the Purchaser and its successors in title being responsible for the repair and maintenance of the said footpath and the Vendor contributing a fair proportion according to user of all expenses incurred by the Purchaser in such repair and maintenance".

NOTE:-The land hatched black and the points C and D referred to are hatched mauve and lettered A and B on the title plan.

- 15 The land is subject to the following rights granted by a Transfer of the land edged and numbered ESX118341 in green on the title plan dated 7 November 1986 made between (1) I. Ross (Estates) Limited (Vendor) and (2) Wares Built Homes Limited (Purchaser):-

"THE FIRST SCHEDULE

Rights granted in favour of the Property and each and every part thereof over the Estate.

1. The right in common with the Vendor and the owners for the time being of land C and all others now or hereafter having the like right at all times and for all purposes with or without vehicles to pass and repass over and along the roads and (on foot only) pavements now existing or made and existing within the perpetuity period on the Estate.

2. The right at any time within the perpetuity period giving not less than 14 days written notice to the Vendor its successors in title to land D to carry out such works as may be necessary to construct to the satisfaction of the Highway and any or competent Authority roads and pavements connecting land A or land B with the Estate Roads or any other roads or pavements which shall hereafter be constructed on the Estate subject to the Purchaser carrying out such further works (the Purchaser having the right so to do) (including where necessary the removal of any pavements and kerbing the diversion of Service Installations and the creation of visibility splays) as may be required by the highway or other competent Authority to amend reconstruct re-align or re-instate the Estate Roads and any other roads and pavements existing at the time of exercise of such rights to which connection is to be made to the satisfaction of the said Highway or other competent

C: Charges Register continued

Authority.

3. The right on giving not less than 14 days written notice to the Vendor or its successors in title to land D in common with the Vendor and all others now or hereafter having the like right to enter upon the Estate within the perpetuity period in order to construct and lay Service Installations and to make connections to the Service Installations which now exist or shall within the perpetuity period be made or exist in upon or under the Estate (other than unadopted Service Installations laid or constructed hereafter by or on behalf of the Owner for the time being of land D and/or land C for the sole benefit of such land).

4. The right in common with the Vendor and the owners for the time being of the land C and all others now or hereafter having the like right to the free passage and running of water soil gas electricity and other services through the Service Installations which now exist or shall during the perpetuity period be made or exist in upon or under the Estate (excluding any unadopted Service Installations to which the Purchaser has no right of connection pursuant to paragraph 3 of this Schedule) the Purchaser paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the Service Installations so used.

5. The right on giving not less than 14 days written notice (except in the case of emergency) to the Vendor or its successors in title to land D to enter upon the Estate so far as may be necessary for the purpose of inspection maintaining cleansing repairing and renewing Service Installations now or during the perpetuity period to be laid or constructed and which the Purchaser is entitled to use by virtue of paragraph 4 of this Schedule."

NOTE:-The land C adjoins the eastern boundary of the land in this title. The land D lies within this title and links Charlwood Road and the land C, the land B is the land edged and numbered ESX118341 in green on the title plan and the land A lies to the north east of the land in this title.

- 16 The land is subject to the following rights granted by a Transfer of the land edged and numbered ESX129327 in green on the title plan dated 7 November 1986 made between (1) I. Koss (Estates) Limited (Vendor) and (2) Modern Village Estates Limited (Purchaser):-

"SUBJECT to Clause 5 the Property is transferred together with the rights intended to benefit the Property and the Land C set out in the First Schedule.

THE FIRST SCHEDULE

Rights granted in favour of the Property and the Land C and each and every part thereof.

1. The right in common with the Vendor and all others now or hereafter having the like right at all times and for all purposes with or without vehicles to pass and repass over and along the road and (on foot only) pavements now existing or made and existing within the perpetuity period on the Estate and also such other land as now or at any time during the perpetuity period may exist between the eastern boundary of the Property and the Land C or the western boundary of the Property and the adopted public highways in the Estate.

2. The right at any time within the perpetuity period on giving not less than fourteen days written notice to the Vendor or its successors in title to Land B to carry out such works as may be necessary to construct to the satisfaction of the Highway and any other competent Authority the Connecting Road and to connect the Connecting Road with the Estate Roads or any other roads or pavements which shall hereafter be constructed on the Estate or on the Land B subject to the person exercising such rights carrying out such further works (such person having the right so to do) (including where necessary the removal of any pavements and kerbing the diversion of Service Installations and the creation of visibility splays) as may be required by the Highway or other competent Authority to amend reconstruct re-align or reinstate

C: Charges Register continued

the Estate Road and any other roads and pavements existing at the time of exercise of such rights to which Connection is to be made to the satisfaction of the said Highway or other competent Authority.

3. The right in common with the Vendor and all others now or hereafter having the like right to enter upon the Estate within the perpetuity period in order to construct and lay Service Installations and to make connections to the Service Installations which now exist or shall within the perpetuity period be made or exist in upon or under the Estate (other than unadopted Service Installations laid or constructed hereafter by or on behalf of the Owner for the time being of Land A and/or Land B for the sole benefit of such land).

4. The right in common with the Vendor and all others now or hereafter having the like right to the free passage and running of water soil gas electricity and other services through the Service Installations which now exist or shall during the perpetuity period be made or exist in upon or under the Estate the Purchaser paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the Service Installations so used.

5. The right to enter upon the Estate so far as may be necessary for the purpose of inspecting maintaining cleansing repairing and renewing Service Installations now or during the perpetuity period to be laid or constructed and which the Purchaser is entitled to use by virtue of paragraph 4 of this Schedule.

IN THIS TRANSFER unless the context otherwise requires:

"Adoption Standards" means the standards required by the Highway or other competent Authority from time to time to permit the adoption of highways or Service Installations as maintainable at the public expense without further work.

"the Connecting Road" means a two lane road to be constructed within the perpetuity period on the Property and (to the extent necessary to provide a satisfactory connection for two lane vehicular and also pedestrian traffic between the Land C and the roads and pavements existing on the Estate at the time in question) in the Estate and the Land B with suitable pavements and verges permitting the free passage of vehicular and pedestrian traffic in both directions between the Land C and the public adopted highway and including.

(a) Firstly surface water drainage lighting markings and secondly other matter required by the Highway and Drainage Authorities.

(b) Service Installations intended for the benefit of the Land C or the Property.

(c) All other matters necessary to comply with the Adoption Standards.

(d) Such other matter or variations to the above as may be required by the Highway or other competent Authority to permit the construction to Adoption Standards and use of a suitable two lane road with pavement and verges between the Land C and the public adopted highway.

"the Estate " means the land (other than the Land B and the Property) registered within Title Number ESX22536 on 19 February 1986 and the Dandel Land

"the Estate Roads" means the roads now constructed on the Estate (so as to include the Brown Land)

"the perpetuity period" means the period from the date hereof to 31 August 2066

"Service Installations" means drains channels sewers pipes wires cables watercourses and gutters and other service media and ancillary equipment.

IT IS HEREBY AGREED AND DECLARED that the rights granted under the First Schedule are subject to the following conditions and limitations.

C: Charges Register continued

5.1 All works being carried out in a good and workmanlike manner and with all due expedition causing as little.

(a) disturbance and damage to the land affected by the exercise of such rights and practicable and making good all damage caused as soon as practicable and

(b) interruption as practicable to the use by the Owner for the time being of Land C and the Property as a means of vehicular and pedestrian access to Land C (the Property being intended for such use as the parties hereby acknowledge)

(c) interruption as practicable to the use by the Owner for the time being of Land A and Land B of roads and pavements used as a means of access to the Land A or Land B.

5.2 The person carrying out the work complying at its own expense with all relevant statutory and other obligations and the requirements of the Highway and other competent Authorities.

5.3 All roads and pavements being constructed to Adoption Standards.

5.4 That the grant and/or exercise of such rights shall in no way prevent or restrict the owner of the land burdened by such rights ("the Owner") subject to the Owner (a) having obtained such statutory or other consents as may be required in that behalf; and (b) giving not less than fourteen days written notice to the person whose works shall thereby be affected from:-

(i) carrying out such works as may be necessary to construct to the satisfaction of the Highway and any other competent Authority the Connecting Road (or as the case may be) other roads and pavements serving the Owner's land and connecting to the Estate Roads and/or any other roads or pavements (including for the avoidance of doubt the Connecting Road) hereafter constructed on the Estate the Property or on Land B.

(ii) constructing laying inspecting cleansing maintaining repairing renewing or diverting Service Installations now or hereafter in under or over the Owner's land.

(iii) making connections with or using the Service Installations which now exist or shall within the perpetuity period exist in upon or under the Owner's land (other than unadopted Service Installations laid or constructed hereafter by or on behalf of the owner for the time being of other land for the sole benefit of that other land).

Subject in each case to the Owner carrying out such further works (the Owner having the right so to do) as may be required by the Highway or other competent Authority (including where necessary the diversion of Service Installations the creation of visibility splays and the like and the removal of any pavements and kerbing) to amend reconstruct or re-align or reinstate the Estate Roads and any other roads and pavements existing at the time and to the satisfaction of the said Highway or other competent Authority.

6.1 ANY notice to be given to either of the parties hereto shall be served on the appropriate party until written notice of transfer of such party's interest in the land in respect of which the notice is to be served has been given to the other party.

6.2 Upon written notice of transfer having been given any such notice shall be served on the transferee stated in such notice of transfer and not on the transferor unless the transferor retains land in respect of which notice is required in which case notice shall be served on both the transferee and the transferor.

6.3 Any notice relating to this Transfer may be served on the party to be served at its registered office for the time being or such other address as may be notified from time to time in writing for the purpose of service of notices (in the case of a company) or at his address as notified from time to time in the case of an individual for the purposes of service of notices (any party which is resident or

C: Charges Register continued

registered outside England and Wales being obliged to notify an address for service within England and Wales). Notices sent by first class recorded delivery mail shall be deemed to have been delivered forty-eight hours after posting and proof of due posting shall be sufficient evidence of delivery. Save and excepted as hereinbefore provided notices shall be served in accordance with Section 196 of the Law of Property Act 1925.

NOTE:-Land C adjoins the eastern boundary of the land in this title. Land B is the land edged and numbered ESX118341 in green on the title plan. Land A adjoins the north eastern corner of the land edged and numbered ESX118341 in green on the title plan and the brown land is hatched yellow on the title plan.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 3 November 1920 referred to in the Charges Register:-

COVENANT by Purchaser with Vendor his heirs or assigns and other owners for the time being of the Vale Bridge Estate that the Purchaser would thenceforth for ever perform and observe conditions and stipulations set forth in the 1st Schedule thereto so far as the same affected or related to land thereby conveyed and further that for the purpose of making covenant on part of Purchaser lastly thereinbefore contained run with and bind the land thereby conveyed the Purchaser his heirs and assigns would cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by him or them of the said land or any part thereof.

THE FIRST SCHEDULE referred to

1. No caravan or house on wheels other than poultry houses or other structures to be used in connection with the industries of poultry farming horticulture fruitgrowing or agriculture shall be placed on the property.

2. The property until built upon shall not be used for any purpose other than as farm land garden ground meadow or arable land plant nursery or orchard nor shall any act deed or thing be done thereon or in any building erected thereon which may be an annoyance nuisance damage or disturbance to the Vendor or to the owner or tenant or any other portion of the Valebridge Estate.

3. No building of any kind other than one private dwellinghouse with appropriate offices and outbuildings to be appurtenant thereto and occupied therewith for small holding shall be erected on each frontage plot and no trade or business of any kind shall be carried on upon any part thereof without the Vendor's consent in writing.

4. Each Purchaser shall within three calendar months from the date of his Conveyance erect and forever after maintain good and sufficient fences to the approval of the Vendor's Surveyor along the side or sides of the land purchased by him where the same are marked with a 'T' on the estate plan.

5. The Vendors reserve the right to alter waive all or any of the above stipulations and conditions as to any plot or plots also to vary the laying out of the estate.

6. No building or erection shall be set up less than from the centre of the road in front thereof other than shop plots.

- 2 The following are details of the covenants contained in the Conveyance dated 29 March 1926 referred to in the Charges Register:-

"The Purchaser hereby covenants with the Vendor his heirs and assigns or other the owner or owners of the Valebridge Estate that she the Purchaser will henceforth for ever perform and observe the said restrictions conditions and stipulations and also will not at any time hereafter use or allow to be used the said land hereby conveyed or any part thereof for the trade or manufacture of Brickworks or allow any

Schedule of restrictive covenants continued

tiles or bricks to be burnt or made on the said land.

AND further that for the purpose of making the covenant on the part of the Purchaser lastly hereinbefore contained run with and bind the land hereby conveyed the Purchaser her heirs and assigns will cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by her of the said land or any part thereof PROVIDED ALWAYS that the said covenant shall only be binding on the Purchaser and such persons as aforesaid during the period of actual ownership but shall run with the land".

NOTE:-The restrictions conditions and stipulations are those contained in the Conveyance dated 3 November 1920 referred to above.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

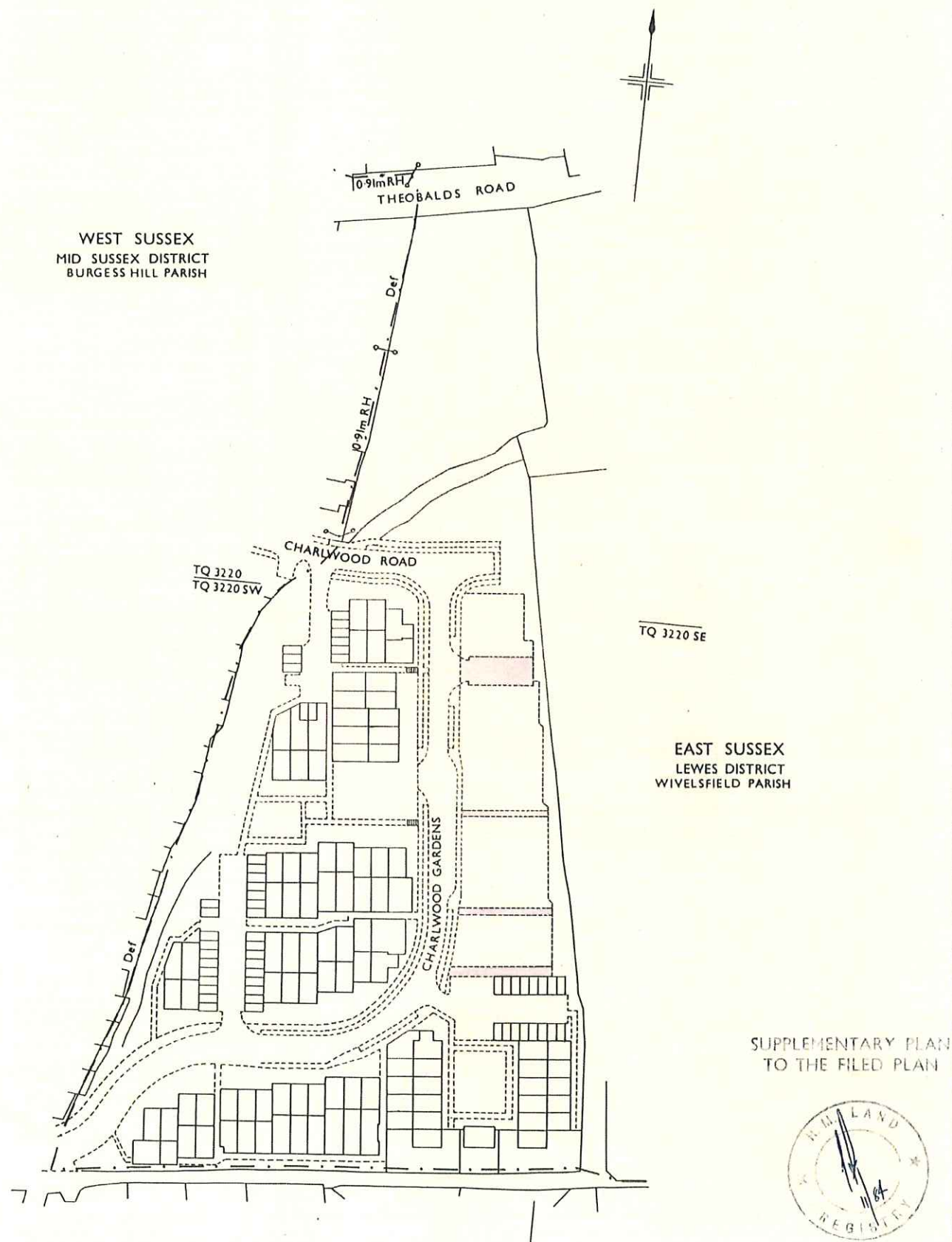
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H.M. LAND REGISTRY		TITLE NUMBER	
		ESX22536	
ORDNANCE SURVEY PLAN REFERENCE	TQ 3220	SECTION Q	Scale 1/1250
COUNTY	DISTRICT	© Crown copyright 1980	



ESX22536

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Sent to Field		Removals from Title							
Title No.	Date	Title No.	Date	Title No.	Date	Title No.	Date	Title No.	Date
ESX29548	22-2-78	ESX29548	13-2-78	ESX4209	11-9-79(2P)	ESX58715	6-11-80(2P)		
(initial investigation) L.M.		ESX29769	21-2-78	ESX48499	24-10-79(2P)	ESX60004	19-12-80(2P)		
ESX42820/1P/19	1.4/78	ESX30525	20-3-78(2P)	ESX48851	2-11-79(2P)	ESX60425	12-1-81(2P)		
P66 46-55		ESX30644	22-3-78(2P)	ESX49266	14-11-79(2P)	ESX61608	19-2-81		
		ESX31655	24-4-78(2P)	ESX51102	22-1-80(2P)	ESX63924	8-4-81		
ESX47099/1P/112	1/2/78	ESX31728	26-4-78(2P)	ESX51737	11-2-80(2P)	ESX63079	14-4-81		
P66 1-32		ESX32179	10-5-78(2P)	ESX51831	14-2-80(2P)	ESX63372	28-4-81		
Revised to 16/4/79	18/1/79	ESX32362	10-5-78(2P)	ESX52112	25-2-80(2P)	ESX63859	15-5-81		
ESX55043/1P/55	10/1/78	ESX32506	9-5-78(2P)	ESX52209	28-2-80	ESX64559	12-6-81(2P)		
P66 25, 56-63		ESX32793	21-5-78(2P)	ESX52521	12-3-80	ESX65073	30-6-81(2P)		
Revised to 22-7-80	18/5/80	ESX33145	8-6-78(2P)	ESX52733	20-3-80	ESX65635	20-7-81		
ESX57796/1P/129		ESX33487	19-6-78(2P)	ESX53062	2-4-80(2P)	ESX71323	1-2-82		
P66 66-76		ESX35406	14-8-78(2P)	ESX55043	20-6-80	ESX102666	5-10-84		
		ESX42820	30-4-79	ESX55177	26-6-80	ESX127573	21-11-86		
		ESX43715	30-5-79	ESX55624	15-7-80	ESX127621	24-11-86		
		ESX44520	20-6-79	ESX56174	4-8-80	ESX175431	5-3-89		
		ESX441336	15-6-79	ESX55463	8-7-80	ESX129327	11-12-86		
		ESX43108	14-5-79	ESX57642	30-9-80(2P)				
		ESX45064	6-7-79	ESX57796	3-10-80				
		ESX45717	27-7-79	ESX57844	6-10-80(2P)				
		ESX46371	16-8-79	ESX58789	7-11-80(2P)				

MAP SECTION REFERENCE(S) :-

LEGAL BRANCH REQUIREMENTS

References required on new title filed plans for T.P.'s and absolute D.F.L.'s falling within:-

(a) Yellow tinting (b) Blue hatching - See plan - Bldg. box.

(b) So far as affected by:-

No references required (at this stage for) :-

Additional notes required on Certificates in Forms C145A and C146A:-

The brown tinting on the filed plan falls outside the title and leads in a westerly direction from the S.W. corner of the land in this title into Valebridge Road.

Additional Notes

Lease Nos. Used

139 Sent

Estate Plans Approved

(All plots)

K.R. Fuller 21/6/77

Rev. P1-25, 27-32, 56-63, 66-76 & garages 21/10/79

Rev. P1-18, 59-63, 66-76 & garages 21/1/80

P66-76 20/2/80

Rev. P13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Solicitors

Messrs. FITZHUGH, EGGER & PART

3, PAVILION PARADE

BRIGHTON

BN2 1RY

Ref. 36/PTE/NTP

Telephone BRIGHTON 686811

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Official copy of register of title

Title number ESX22536

Edition date 18.11.2020

- This official copy shows the entries on the register of title on 06 MAR 2023 at 11:20:32.
- 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 06 Mar 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

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

EAST SUSSEX : LEWES

- 1 (30.11.1966) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land and buildings lying to the east of Valebridge Road, Burgess Hill, Lewes.
- 2 The land has the benefit of a right of way over the land tinted brown on the title plan.
- 3 A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 4 The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 5 The extent of the land edged and numbered ESX31728 in green on the title plan has been amended.
- 6 The land in this title has the benefit of the rights granted by a Deed dated 31 December 1979 made between (1) Kenneth Stuart and (2) I Ross (Estates) Limited relating to the surface water drainage system in the locality of 2 Chichester Way.

NOTE:-Copy filed.

- 7 The land has the benefit of the following rights reserved by the Transfer dated 14 September 1984 referred to in the Charges Register:-

"EXCEPT AND RESERVING to the Vendor

(a) The right to enter upon the land coloured blue on the said plan at any time with or without men plant and machinery within eighty years of the date hereof (which shall be the perpetuity period applicable hereto) and therein at the Vendor's own expense to construct and lay drains channels sewers pipes wires cables watercourses and gutters ("the service installations") and to make connections to the service installations which now exist or shall hereafter (but within such period) be made or exist in upon or under the said land the Vendor causing as little disturbance as possible and making good the surface of the said land after any exercise of the said rights.

(b) The right to the free passage and running of water soil gas

A: Property Register continued

electricity and other services through the service installations now existing or made or existing within such period the Vendor paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the same.

(c) The right to enter upon the said land after giving reasonable notice (except in the case of emergency) so far as may be necessary for the purpose of inspecting cleansing maintaining repairing and renewing the service installations the Vendor making good any damage caused to the said land by the exercise of such right of entry".

NOTE:-The land coloured blue referred to is tinted mauve on the supplementary plan to the title plan.

- 8 (18.11.2020) The land has the benefit of any legal easements reserved by a Transfer of the land edged and numbered ESX408380 in green on the title plan dated 5 November 2020 made between (1) 85 Sackville Road Limited and (2) Asterisk Special Projects Limited but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE: Copy filed under ESX408380.

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 (10.05.2011) PROPRIETOR: 85 SACKVILLE ROAD LIMITED (Co. Regn. No. 04351147) of The Coach House, Ardingly Road, Lindfield, West Sussex RH16 2QY.
- 2 (10.05.2011) The price stated to have been paid on 20 April 2011 was £35,000.

C: Charges Register

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

- 1 A Conveyance of the land in this title and other land dated 3 November 1920 and made between (1) Percy Portway Harvey (Vendor) (2) George Smith (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 2 A Conveyance of the land in this title and other land dated 29 March 1926 made between (1) William Fuller (Vendor) and (2) Anne Eliza Savill (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 3 The land is subject to the following rights contained in the Conveyance dated 29 March 1926 referred to above:-
- "Subject to all rights of way water light and other easements affecting the same and all other rights of adjoining owners"
- 4 An Agreement dated 17 August 1954 made between (1) The Burgess Hill Water Company and (2) Amy Eleanor Biggs relates to the supply of water to Oakroyd Farm Buildings and Farm House.
- NOTE:-Copy Application for registration of Land Charge filed under SX83857.
- 5 The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 August 1966 made between (1) Amy Eleanor Biggs (Vendor) and (2) Stanton Estates Limited (Purchaser):-

"EXCEPT AND RESERVED unto the Vendor the full right and use at all

C: Charges Register continued

times of the water main passing through or under the said property serving the Vendor's adjoining property shown edged blue on the said plan PROVIDED ALWAYS that if it shall be necessary to alter the position of the said water main in connection with the development of the land hereby Conveyed the Purchaser shall be responsible for all costs and expenses involved in connection with the same and shall not in any event deprive the said adjoining property of the Vendor of a water supply".

NOTE:-The land edged blue referred to is Oakroyd Farm.

- 6 The land is subject to rights of drainage and rights in respect of water gas and electricity supply services.
- 7 The parts of the land affected thereby is subject to the following rights granted by a Deed dated 8 December 1976 made between (1) I. Ross (Estates) Limited (Grantor) and (2) The South Eastern Electricity Board (Board):-

"FULL RIGHT AND LIBERTY for the Board and its successors in title to lay and maintain (which expressions shall without prejudice to the generality thereof include to use and from time to time to repair alter relay renew supplement inspect examine test and remove) electric lines (an electric line being a wire or wires conductor or other means used for the purpose of conveying transmitting or distributing electricity with any casing coating covering tube pipe or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric currents under the land coloured yellow (hereinafter referred to as "the yellow land") on the plan No. CE.125 attached hereto and to break up the surface thereof so far as may be necessary from time to time for all or any of such purposes and also for all or any of such purposes to enter the said Property TO HOLD the said rights and liberties unto the Board fee simple as appurtenant to the Board's undertaking".

This Deed contains the following covenant:-

"THE Grantor to the intent and so as to bind the said Property and every part thereof into whosoever hands the same may come and to benefit and protect the easements hereby granted hereby covenants with the Board not to do or permit or suffer to be done or permitted on or near the yellow land any act which would in any way interfere with or damage any electric line laid by the Board in the exercise of the rights hereby granted nor to alter or permit or suffer to be altered the existing level of nor cover the surface of the yellow land in such a manner as to render access by the Board to any such electric line impracticable or more difficult than when such electric line is first laid in the exercise of the rights hereby granted AND in particular but without prejudice to the generality of the foregoing not to erect any building or structure (except as shown on the said Plan) nor plant any trees within a distance of 1.5 metres of the yellow land PROVIDED ALWAYS and it is hereby agreed and declared that (without prejudice to the proviso to Clause 2 hereof) nothing in the foregoing covenant contained or implied shall prevent the laying of appropriate surfaces on the estate roads and footpaths or on such of them or the yellow lands as comprise or form part of roads or footways after such electric lines have been laid".

NOTE:-The yellow land and land within 1.5 metres thereof is tinted yellow and hatched blue respectively on the title plan.

- 8 An Agreement dated 8 July 1976 made between (1) I. Ross Estates Limited (The owner) and (2) East Sussex County Council (the Council) relates to the construction and adoption of the road tinted blue on the filed plan and contains the following provision:-

"SO soon as the Council make the declaration hereinafter mentioned the Owner shall without cost to the Council forthwith execute and complete or procure the execution and completion by all necessary parties of an assurance to the Council of the said road unless the Council shall not desire the Owner to execute or through the execution of such an assurance to the Council and the Owner shall first ascertain in writing

C: Charges Register continued

the Council's wishes in this respect The Owner shall not without the consent in writing of the Council convey or contract to convey any part of the said road to any other person or persons or grant any rights thereover except a right of way for all purposes in accordance with any planning permission granted by the Local Planning Authority in respect of the said land"

- 9 The parts of the land affected thereby are subject to the following rights granted by a Deed dated 17 November 1977 made between (1) I. Ross(Estates) Limited and (2) Mid-Sussex Water Company. This Deed also contains the following covenant by the Grantor.

"1. THE grantor as beneficial owner hereby grants unto the company FULL right and liberty in under or upon the land having a uniform width of ten feet situate on the east side of Valebridge Drive and Chichester Way in that part of Burgess Hill lying in the Parish of Wivelsfield and County of East Sussex (which land is for the purpose of identification only and not by way of limitation or enlargement Coloured red on the said plan) at all times hereafter and from time to time to construct and maintain a line or lines of pipes with or without ducts TOGETHER with all such Valve-boxes hydrant boxes inspection chambers cocks sluices washout valves hydrants stopcocks junctions cables and other apparatus as the company may think fit and installed below at or above ground level and all necessary or convenient markers indicating the position of the said Pipes and other apparatus and at all times hereafter and from time to time to maintain replace inspect enlarge remove and do all other works in connection with and supply water through the said pipes and other apparatus and in connection with the company's water undertaking which the Company shall deem necessary or advisable TOGETHER ALSO with the natural right of support heretofore enjoyed by the said land TO HOLD the said right and liberties unto the company in fee simple for the purpose of its statutory undertaking.

2. THE ownership of all pipes and apparatus laid and installed in pursuance of the rights and liberties hereby granted remains vested in the company.

3. THE company its agents contractors servants and workmen shall be entitled to enter upon the adjoining land of the grantor and open up the layoff coloured red on the said plan and to pass and repass with or without vehicles and appliances over and along all adjoining land of the grantor for the purpose of exercising the right and liberties hereby granted.

.....
..

5. THE grantor to the intent and so as to bind the land coloured red on the said plan into whosoever hands the same may come and to benefit and protect the statutory undertaking of the company or any part or parts thereof hereby covenants with the company at all times hereafter to observe and perform the restrictions and stipulations set out in the Second Schedule hereto.

THE SECOND SCHEDULE

1. The surface of the said land coloured red on the said plan shall not be lowered nor shall the surface thereof be raised by more than one foot above the existing level otherwise than with the consent in writing of the company.

2. Not to do anything which may interfere with the right of support hereby granted.

3. Nothing shall be built erected constructed laid placed or grown in under or upon the land coloured red on the said plan other than objects removable on the demand of the company or shallow rooted plants or crops".

NOTE:-The land coloured red is hatched red on the title plan.

- 10 The estate road and footpaths are subject to rights of way.

- 11 The parts of the land affected thereby which adjoin the parts edged and

C: Charges Register continued

numbered in green on the title plan are subject to rights of entry for the purpose of repairing maintaining painting or rebuilding the property on the parts so edged and numbered.

- 12 The garage forecourts are subject to rights of way.
- 13 The side and rear footpaths are subject to rights of way on foot only.
- 14 The land is subject to the following rights granted by a Transfer of the land edged and numbered ESX102666 in green on the title plan dated 14 September 1984 made between (1) I. Ross (Estates) Limited (Vendor) and (2) Dandel Limited (Purchaser):-

"TOGETHER WITH

(1) The free and uninterrupted passage and running of water soil gas and electricity through the sewers drains and watercourses and the gas and electric pipes wires and cables hereinafter referred to as "the Services") which are now or may within eighty years from the date of completion be through on under or over other parts of the Vendor's Charlwood Gardens and Charlwood Road extended Estate ("the Estate") being the land now or formerly Registered within the title above mentioned (insofar as the same serve the Property) jointly or in common with the Vendor and all other person or persons who are now or may hereafter be entitled to connect with or use the services the Purchaser bearing paying and contributing together with such other persons a fair proportion according to the extent to which their respective land is served thereby of the costs of repairing maintaining renewing and cleansing the services and a right of entry on to the other parts of the Estate for the purpose of connecting to repairing maintaining renewing and cleansing the services the Purchaser making good forthwith at its own expense all damage occasioned by such entry.

(2) The right for the Purchaser and its successors in title owner or owners for the time being of the property or of any parts thereof and all persons authorised by it at reasonable times to enter upon the adjoining land of the Estate for the purpose of repairing maintaining painting or rebuilding any future building on the Property the person exercising such right making good at his own expense any disturbance thereby caused.

(3) The right for the Purchaser to construct a footpath four feet wide on the land hatched black on the said plan between the points "C" and "D" and a right for the Purchaser and its successors in title to pass and repass on foot only along the said footpath the Purchaser and its successors in title being responsible for the repair and maintenance of the said footpath and the Vendor contributing a fair proportion according to user of all expenses incurred by the Purchaser in such repair and maintenance".

NOTE:-The land hatched black and the points C and D referred to do not affect the land in this title.

- 15 The land is subject to the following rights granted by a Transfer of the land edged and numbered ESX118341 in green on the title plan dated 7 November 1986 made between (1) I. Ross (Estates) Limited (Vendor) and (2) Wares Built Homes Limited (Purchaser):-

"THE FIRST SCHEDULE

Rights granted in favour of the Property and each and every part thereof over the Estate.

1. The right in common with the Vendor and the owners for the time being of land C and all others now or hereafter having the like right at all times and for all purposes with or without vehicles to pass and repass over and along the roads and (on foot only) pavements now existing or made and existing within the perpetuity period on the Estate.

2. The right at any time within the perpetuity period giving not less than 14 days written notice to the Vendor its successors in title to land D to carry out such works as may be necessary to construct to the satisfaction of the Highway and any or competent Authority roads and

C: Charges Register continued

pavements connecting land A or land B with the Estate Roads or any other roads or pavements which shall hereafter be constructed on the Estate subject to the Purchaser carrying out such further works (the Purchaser having the right so to do) (including where necessary the removal of any pavements and kerbing the diversion of Service Installations and the creation of visibility splays) as may be required by the highway or other competent Authority to amend reconstruct re-align or re-instate the Estate Roads and any other roads and pavements existing at the time of exercise of such rights to which connection is to be made to the satisfaction of the said Highway or other competent Authority.

3. The right on giving not less than 14 days written notice to the Vendor or its successors in title to land D in common with the Vendor and all others now or hereafter having the like right to enter upon the Estate within the perpetuity period in order to construct and lay Service Installations and to make connections to the Service Installations which now exist or shall within the perpetuity period be made or exist in upon or under the Estate (other than unadopted Service Installations laid or constructed hereafter by or on behalf of the Owner for the time being of land D and/or land C for the sole benefit of such land).

4. The right in common with the Vendor and the owners for the time being of the land C and all others now or hereafter having the like right to the free passage and running of water soil gas electricity and other services through the Service Installations which now exist or shall during the perpetuity period be made or exist in upon or under the Estate (excluding any unadopted Service Installations to which the Purchaser has no right of connection pursuant to paragraph 3 of this Schedule) the Purchaser paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the Service Installations so used.

5. The right on giving not less than 14 days written notice (except in the case of emergency) to the Vendor or its successors in title to land D to enter upon the Estate so far as may be necessary for the purpose of inspection maintaining cleansing repairing and renewing Service Installations now or during the perpetuity period to be laid or constructed and which the Purchaser is entitled to use by virtue of paragraph 4 of this Schedule."

NOTE:-The land C adjoins the eastern boundary of the land in this title. The land D lies within this title and links Charlwood Road and the land C, the land B is the land edged and numbered ESX118341 in green on the title plan and the land A lies to the north east of the land in this title.

- 16 The land is subject to the following rights granted by a Transfer of the land edged and numbered ESX129327 in green on the title plan dated 7 November 1986 made between (1) I. Koss (Estates) Limited (Vendor) and (2) Modern Village Estates Limited (Purchaser):-

"SUBJECT to Clause 5 the Property is transferred together with the rights intended to benefit the Property and the Land C set out in the First Schedule.

THE FIRST SCHEDULE

Rights granted in favour of the Property and the Land C and each and every part thereof.

1. The right in common with the Vendor and all others now or hereafter having the like right at all times and for all purposes with or without vehicles to pass and repass over and along the road and (on foot only) pavements now existing or made and existing within the perpetuity period on the Estate and also such other land as now or at any time during the perpetuity period may exist between the eastern boundary of the Property and the Land C or the western boundary of the Property and the adopted public highways in the Estate.

2. The right at any time within the perpetuity period on giving not less than fourteen days written notice to the Vendor or its successors

C: Charges Register continued

in title to Land B to carry out such works as may be necessary to construct to the satisfaction of the Highway and any other competent Authority the Connecting Road and to connect the Connecting Road with the Estate Roads or any other roads or pavements which shall hereafter be constructed on the Estate or on the Land B subject to the person exercising such rights carrying out such further works (such person having the right so to do) (including where necessary the removal of any pavements and kerbing the diversion of Service Installations and the creation of visibility splays) as may be required by the Highway or other competent Authority to amend reconstruct re-align or reinstate the Estate Road and any other roads and pavements existing at the time of exercise of such rights to which Connection is to be made to the satisfaction of the said Highway or other competent Authority.

3. The right in common with the Vendor and all others now or hereafter having the like right to enter upon the Estate within the perpetuity period in order to construct and lay Service Installations and to make connections to the Service Installations which now exist or shall within the perpetuity period be made or exist in upon or under the Estate (other than unadopted Service Installations laid or constructed hereafter by or on behalf of the Owner for the time being of Land A and/or Land B for the sole benefit of such land).

4. The right in common with the Vendor and all others now or hereafter having the like right to the free passage and running of water soil gas electricity and other services through the Service Installations which now exist or shall during the perpetuity period be made or exist in upon or under the Estate the Purchaser paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the Service Installations so used.

5. The right to enter upon the Estate so far as may be necessary for the purpose of inspecting maintaining cleansing repairing and renewing Service Installations now or during the perpetuity period to be laid or constructed and which the Purchaser is entitled to use by virtue of paragraph 4 of this Schedule.

IN THIS TRANSFER unless the context otherwise requires:

"Adoption Standards" means the standards required by the Highway or other competent Authority from time to time to permit the adoption of highways or Service Installations as maintainable at the public expense without further work.

"the Connecting Road" means a two lane road to be constructed within the perpetuity period on the Property and (to the extent necessary to provide a satisfactory connection for two lane vehicular and also pedestrian traffic between the Land C and the roads and pavements existing on the Estate at the time in question) in the Estate and the Land B with suitable pavements and verges permitting the free passage of vehicular and pedestrian traffic in both directions between the Land C and the public adopted highway and including.

(a) Firstly surface water drainage lighting markings and secondly other matter required by the Highway and Drainage Authorities.

(b) Service Installations intended for the benefit of the Land C or the Property.

(c) All other matters necessary to comply with the Adoption Standards.

(d) Such other matter or variations to the above as may be required by the Highway or other competent Authority to permit the construction to Adoption Standards and use of a suitable two lane road with pavement and verges between the Land C and the public adopted highway.

"the Estate " means the land (other than the Land B and the Property) registered within Title Number ESX22536 on 19 February 1986 and the Dandel Land

"the Estate Roads" means the roads now constructed on the Estate (so as to include the Brown Land)

C: Charges Register continued

"the perpetuity period" means the period from the date hereof to 31 August 2066

"Service Installations" means drains channels sewers pipes wires cables watercourses and gutters and other service media and ancillary equipment.

IT IS HEREBY AGREED AND DECLARED that the rights granted under the First Schedule are subject to the following conditions and limitations.

5.1 All works being carried out in a good and workmanlike manner and with all due expedition causing as little.

(a) disturbance and damage to the land affected by the exercise of such rights and practicable and making good all damage caused as soon as practicable and

(b) interruption as practicable to the use by the Owner for the time being of Land C and the Property as a means of vehicular and pedestrian access to Land C (the Property being intended for such use as the parties hereby acknowledge)

(c) interruption as practicable to the use by the Owner for the time being of Land A and Land B of roads and pavements used as a means of access to the Land A or Land B.

5.2 The person carrying out the work complying at its own expense with all relevant statutory and other obligations and the requirements of the Highway and other competent Authorities.

5.3 All roads and pavements being constructed to Adoption Standards.

5.4 That the grant and/or exercise of such rights shall in no way prevent or restrict the owner of the land burdened by such rights ("the Owner") subject to the Owner (a) having obtained such statutory or other consents as may be required in that behalf; and (b) giving not less than fourteen days written notice to the person whose works shall thereby be affected from:-

(i) carrying out such works as may be necessary to construct to the satisfaction of the Highway and any other competent Authority the Connecting Road (or as the case may be) other roads and pavements serving the Owner's land and connecting to the Estate Roads and/or any other roads or pavements (including for the avoidance of doubt the Connecting Road) hereafter constructed on the Estate the Property or on Land B.

(ii) constructing laying inspecting cleansing maintaining repairing renewing or diverting Service Installations now or hereafter in under or over the Owner's land.

(iii) making connections with or using the Service Installations which now exist or shall within the perpetuity period exist in upon or under the Owner's land (other than unadopted Service Installations laid or constructed hereafter by or on behalf of the owner for the time being of other land for the sole benefit of that other land).

Subject in each case to the Owner carrying out such further works (the Owner having the right so to do) as may be required by the Highway or other competent Authority (including where necessary the diversion of Service Installations the creation of visibility splays and the like and the removal of any pavements and kerbing) to amend reconstruct or re-align or reinstate the Estate Roads and any other roads and pavements existing at the time and to the satisfaction of the said Highway or other competent Authority.

6.1 ANY notice to be given to either of the parties hereto shall be served on the appropriate party until written notice of transfer of such party's interest in the land in respect of which the notice is to be served has been given to the other party.

6.2 Upon written notice of transfer having been given any such notice shall be served on the transferee stated in such notice of transfer and

C: Charges Register continued

not on the transferor unless the transferor retains land in respect of which notice is required in which case notice shall be served on both the transferee and the transferor.

6.3 Any notice relating to this Transfer may be served on the party to be served at its registered office for the time being or such other address as may be notified from time to time in writing for the purpose of service of notices (in the case of a company) or at his address as notified from time to time in the case of an individual for the purposes of service of notices (any party which is resident or registered outside England and Wales being obliged to notify an address for service within England and Wales). Notices sent by first class recorded delivery mail shall be deemed to have been delivered forty-eight hours after posting and proof of due posting shall be sufficient evidence of delivery. Save and excepted as hereinbefore provided notices shall be served in accordance with Section 196 of the Law of Property Act 1925.

NOTE:-Land C adjoins the eastern boundary of the land in this title. Land B is the land edged and numbered ESX118341 in green on the title plan. Land A adjoins the north eastern corner of the land edged and numbered ESX118341 in green on the title plan and the brown land is hatched yellow on the title plan.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 3 November 1920 referred to in the Charges Register:-

COVENANT by Purchaser with Vendor his heirs or assigns and other owners for the time being of the Vale Bridge Estate that the Purchaser would thenceforth for ever perform and observe conditions and stipulations set forth in the 1st Schedule thereto so far as the same affected or related to land thereby conveyed and further that for the purpose of making covenant on part of Purchaser lastly thereinbefore contained run with and bind the land thereby conveyed the Purchaser his heirs and assigns would cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by him or them of the said land or any part thereof.

THE FIRST SCHEDULE referred to

1. No caravan or house on wheels other than poultry houses or other structures to be used in connection with the industries of poultry farming horticulture fruitgrowing or agriculture shall be placed on the property.

2. The property until built upon shall not be used for any purpose other than as farm land garden ground meadow or arable land plant nursery or orchard nor shall any act deed or thing be done thereon or in any building erected thereon which may be an annoyance nuisance damage or disturbance to the Vendor or to the owner or tenant or any other portion of the Valebridge Estate.

3. No building of any kind other than one private dwellinghouse with appropriate offices and outbuildings to be appurtenant thereto and occupied therewith for small holding shall be erected on each frontage plot and no trade or business of any kind shall be carried on upon any part thereof without the Vendor's consent in writing.

4. Each Purchaser shall within three calendar months from the date of his Conveyance erect and forever after maintain good and sufficient fences to the approval of the Vendor's Surveyor along the side or sides of the land purchased by him where the same are marked with a 'T' on the estate plan.

5. The Vendors reserve the right to alter waive all or any of the above stipulations and conditions as to any plot or plots also to vary the laying out of the estate.

6. No building or erection shall be set up less than from the centre of the road in front thereof other than shop plots.

Schedule of restrictive covenants continued

2 The following are details of the covenants contained in the Conveyance dated 29 March 1926 referred to in the Charges Register:-

"The Purchaser hereby covenants with the Vendor his heirs and assigns or other the owner or owners of the Valebridge Estate that she the Purchaser will henceforth for ever perform and observe the said restrictions conditions and stipulations and also will not at any time hereafter use or allow to be used the said land hereby conveyed or any part thereof for the trade or manufacture of Brickworks or allow any tiles or bricks to be burnt or made on the said land.

AND further that for the purpose of making the covenant on the part of the Purchaser lastly hereinbefore contained run with and bind the land hereby conveyed the Purchaser her heirs and assigns will cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by her of the said land or any part thereof PROVIDED ALWAYS that the said covenant shall only be binding on the Purchaser and such persons as aforesaid during the period of actual ownership but shall run with the land".

NOTE:-The restrictions conditions and stipulations are those contained in the Conveyance dated 3 November 1920 referred to above.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

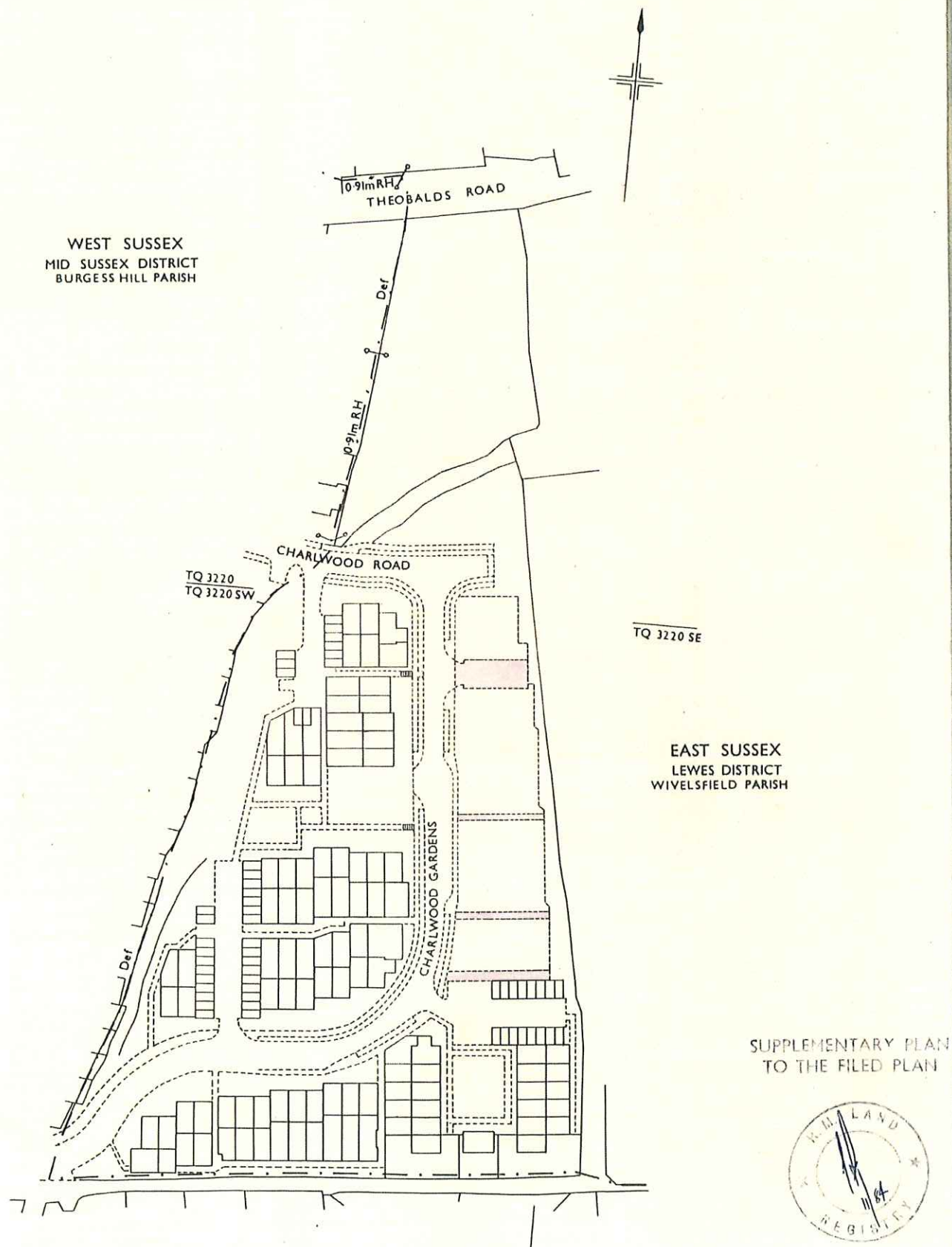
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 11 February 2020 shows the state of this title plan on 11 February 2020 at 09:30:32. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Coventry Office .

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H.M. LAND REGISTRY		TITLE NUMBER	
		ESX22536	
ORDNANCE SURVEY PLAN REFERENCE	TQ 3220	SECTION Q	Scale 1/1250
COUNTY	DISTRICT	© Crown copyright 1980	



ESX22536

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Sent to Field

Removals from Title

Title No.	Date	Title No.	Date	Title No.	Date	Title No.	Date	Title No.	Date	Title No.	Date
ESX29548	22-2-78	ESX29548	13-2-78	ESX47099	11-9-79(2P)	ESX58715	6-11-80(2P)				
(initial investigation) LM		ESX29769	21-2-78	ESX48499	24-10-79(2P)	ESX60007	19-12-80(2P)				
ESX42820 TP/19	1/19	ESX30525	20-3-78(2P)	ESX48851	2-11-79(2P)	ESX60425	12-1-81(2P)				
Plots 46-55		ESX30644	22-3-78(2P)	ESX49266	14-11-79(2P)	ESX61608	19-2-81				
		ESX31655	24-4-78(2P)	ESX51102	22-1-80(2P)	ESX62924	8-4-81				
ESX47099 TP/112	1/20	ESX31728	26-4-78(2P)	ESX51737	11-2-80(2P)	ESX63079	14-4-81				
Plots 1-32	1/10	ESX32179	10-5-78(2P)	ESX51831	14-2-80(2P)	ESX63372	23-4-81				
Revised to 16/11/79	18/1/80	ESX32352	16-5-78(2P)	ESX52112	25-2-80(2P)	ESX63859	15-5-81				
ESX55043 TP/55	10/1/80	ESX32504	19-5-78(2P)	ESX52209	28-2-80	ESX64559	12-6-81(2P)				
Plots 25, 56-63		ESX32793	21-5-78(2P)	ESX52521	12-3-80	ESX66073	30-6-81(2P)				
Revised to 22-7-80	18/5/80	ESX33145	8-6-78(2P)	ESX52733	20-3-80	ESX65635	20-7-81				
ESX57796 TP/129	1/11/80	ESX33487	19-6-78(2P)	ESX53062	2-4-80(2P)	ESX71323	1-2-82				
Plots 66-76		ESX35406	14-8-78(2P)	ESX55043	20-6-80	ESX102666	5-10-84				
		ESX42820	30-4-79	ESX55177	26-6-80	ESX127573	21-11-84				
		ESX43715	30-5-79	ESX55684	15-7-80	ESX127621	24-11-86				
		ESX44520	20-6-79	ESX56174	4-8-80	ESX129327	1-1-87				
		ESX46336	15-6-79	ESX55463	8-7-80	ESX175431	5-3-1991				
		ESX43108	14-5-79	ESX57642	30-9-80(2P)	ESX175431	5-3-1991				
		ESX45064	6-7-79	ESX57796	3-10-80	ESX47099	16-10-80				
		ESX45717	27-7-79	ESX57844	6-10-80(2P)						
		ESX46371	16-8-79	ESX58789	7-11-80(2P)						

MAP SECTION REFERENCE(S) :—

LEGAL BRANCH REQUIREMENTS

References required on new title filed plans for T.P.'s and absolute D.F.L.'s falling within:—

(a) Yellow tinting (b) Blue hatching

(b) So far as affected by:—

No references required (at this stage for) :—

Additional notes required on Certificates in Forms C145A and C146A:—

The brown tinting on the filed plan falls outside the title and leads in a westerly direction from the S.W. corner of the land in this title into Valebridge Road.

Additional Notes

Lease Nos. Used

139 Sent

Estate Plans Approved

(All plots)

K.R. Fuller 21/6/77

Rev PI-25, 27-32, 56-63, 66-76 & garages 21/12/79

Rev PI-18, 59-63, 66-76 and garages 21/12/79

P66-76 30/12/80

REV P13-18 & 21/26 26/3/81

Solicitors

Messrs. FITZHUGH, EGGAR & PART

3, PAVILION PARADE

BRIGHTON

BN2 1BY

Ref. 36/PIG/NIP

Telephone BRIGHTON 686811

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number ESX408380

Edition date 05.04.2022

- This official copy shows the entries on the register of title on 06 MAR 2023 at 11:23:08.
- 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 06 Mar 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

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

EAST SUSSEX : LEWES

- 1 (30.11.1966) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at Charlwood Gardens, Burgess Hill.
- 2 The land has the benefit of the following rights reserved by the Transfer dated 14 September 1984 referred to in the Charges Register:-

"EXCEPT AND RESERVING to the Vendor

(a) The right to enter upon the land coloured blue on the said plan at any time with or without men plant and machinery within eighty years of the date hereof (which shall be the perpetuity period applicable hereto) and therein at the Vendor's own expense to construct and lay drains channels sewers pipes wires cables watercourses and gutters ("the service installations") and to make connections to the service installations which now exist or shall hereafter (but within such period) be made or exist in upon or under the said land the Vendor causing as little disturbance as possible and making good the surface of the said land after any exercise of the said rights.

(b) The right to the free passage and running of water soil gas electricity and other services through the service installations now existing or made or existing within such period the Vendor paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the same.

(c) The right to enter upon the said land after giving reasonable notice (except in the case of emergency) so far as may be necessary for the purpose of inspecting cleansing maintaining repairing and renewing the service installations the Vendor making good any damage caused to the said land by the exercise of such right of entry".

NOTE:-The land coloured blue referred to is tinted mauve on the title plan.

- 3 (18.11.2020) The land has the benefit of any legal easements granted by a Transfer of the land in this title dated 5 November 2020 made between (1) 85 Sackville Road Limited and (2) Asterisk Special Projects Limited but is subject to any rights that are reserved by the said deed and affect the registered land.

Title number ESX408380

A: Property Register continued

NOTE: Copy filed.

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 (05.04.2022) PROPRIETOR: BLUESKY PROPERTIES ESTATES LIMITED (Co. Regn. No. 12129234) of Winston House, 349 Regents Park Road, London N3 1DH.
- 2 (05.04.2022) The price stated to have been paid on 18 March 2022 was £100.

C: Charges Register

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

- 1 The land is subject to rights of drainage and rights in respect of water gas and electricity supply services.
- 2 The land is subject to rights of entry for the purpose of repairing maintaining painting or rebuilding the property on adjoining land.
- 3 The footpaths are subject to rights of way.
- 4 A Conveyance of the land in this title and other land dated 3 November 1920 and made between (1) Percy Portway Harvey (Vendor) (2) George Smith (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 5 A Conveyance of the land in this title and other land dated 29 March 1926 made between (1) William Fuller (Vendor) and (2) Anne Eliza Savill (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 6 The land is subject to the following rights contained in the Conveyance dated 29 March 1926 referred to above:-

"Subject to all rights of way water light and other easements affecting the same and all other rights of adjoining owners"
- 7 The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 August 1966 made between (1) Amy Eleanor Biggs (Vendor) and (2) Stanton Estates Limited (Purchaser):-

"EXCEPT AND RESERVED unto the Vendor the full right and use at all times of the water main passing through or under the said property serving the Vendor's adjoining property shown edged blue on the said plan PROVIDED ALWAYS that if it shall be necessary to alter the position of the said water main in connection with the development of the land hereby Conveyed the Purchaser shall be responsible for all costs and expenses involved in connection with the same and shall not in any event deprive the said adjoining property of the Vendor of a water supply".

NOTE:-The land edged blue referred to is land formerly comprising Oakroyd Farm adjoining the most westerly part of the land comprised in this title.

- 8 The parts of the land affected thereby is subject to the following rights granted by a Deed dated 8 December 1976 made between (1) I. Ross (Estates) Limited (Grantor) and (2) The South Eastern Electricity Board (Board):-

"FULL RIGHT AND LIBERTY for the Board and its successors in title to lay and maintain (which expressions shall without prejudice to the

C: Charges Register continued

generality thereof include to use and from time to time to repair alter relay renew supplement inspect examine test and remove) electric lines (an electric line being a wire or wires conductor or other means used for the purpose of conveying transmitting or distributing electricity with any casing coating covering tube pipe or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric currents under the land coloured yellow (hereinafter referred to as "the yellow land") on the plan No. CE.125 attached hereto and to break up the surface thereof so far as may be necessary from time to time for all or any of such purposes and also for all or any of such purposes to enter the said Property TO HOLD the said rights and liberties unto the Board fee simple as appurtenant to the Board's undertaking".

This Deed contains the following covenant:-

"THE Grantor to the intent and so as to bind the said Property and every part thereof into whosoever hands the same may come and to benefit and protect the easements hereby granted hereby covenants with the Board not to do or permit or suffer to be done or permitted on or near the yellow land any act which would in any way interfere with or damage any electric line laid by the Board in the exercise of the rights hereby granted nor to alter or permit or suffer to be altered the existing level of nor cover the surface of the yellow land in such a manner as to render access by the Board to any such electric line impracticable or more difficult than when such electric line is first laid in the exercise of the rights hereby granted AND in particular but without prejudice to the generality of the foregoing not to erect any building or structure (except as shown on the said Plan) nor plant any trees within a distance of 1.5 metres of the yellow land PROVIDED ALWAYS and it is hereby agreed and declared that (without prejudice to the proviso to Clause 2 hereof) nothing in the foregoing covenant contained or implied shall prevent the laying of appropriate surfaces on the estate roads and footpaths or on such of them or the yellow lands as comprise or form part of roads or footways after such electric lines have been laid".

NOTE:-The yellow land and land within 1.5 metres thereof is tinted yellow and hatched blue respectively on the title plan in so far as it affect the land in this title.

- 9 The parts of the land affected thereby are subject to the following rights granted by a Deed dated 17 November 1977 made between (1) I. Ross(Estates) Limited and (2) Mid-Sussex Water Company.
This Deed also contains the following covenant by the Grantor.

"1. THE grantor as beneficial owner hereby grants unto the company FULL right and liberty in under or upon the land having a uniform width of ten feet situate on the east side of Valebridge Drive and Chichester Way in that part of Burgess Hill lying in the Parish of Wivelsfield and County of East Sussex (which land is for the purpose of identification only and not by way of limitation or enlargement Coloured red on the said plan) at all times hereafter and from time to time to construct and maintain a line or lines of pipes with or without ducts TOGETHER with all such Valve-boxes hydrant boxes inspection chambers cocks sluices washout valves hydrants stopcocks junctions cables and other apparatus as the company may think fit and installed below at or above ground level and all necessary or convenient markers indicating the position of the said Pipes and other apparatus and at all times hereafter and from time to time to maintain replace inspect enlarge remove and do all other works in connection with and supply water through the said pipes and other apparatus and in connection with the company's water undertaking which the Company shall deem necessary or advisable TOGETHER ALSO with the natural right of support heretofore enjoyed by the said land TO HOLD the said right and liberties unto the company in fee simple for the purpose of its statutory undertaking.

2. THE ownership of all pipes and apparatus laid and installed in pursuance of the rights and liberties hereby granted remains vested in the company.

3. THE company its agents contractors servants and workmen shall be

C: Charges Register continued

entitled to enter upon the adjoining land of the grantor and open up the layoff coloured red on the said plan and to pass and repass with or without vehicles and appliances over and along all adjoining land of the grantor for the purpose of exercising the right and liberties hereby granted.

5. THE grantor to the intent and so as to bind the land coloured red on the said plan into whosoever hands the same may come and to benefit and protect the statutory undertaking of the company or any part or parts thereof hereby covenants with the company at all times hereafter to observe and perform the restrictions and stipulations set out in the Second Schedule hereto.

THE SECOND SCHEDULE

1. The surface of the said land coloured red on the said plan shall not be lowered nor shall the surface thereof be raised by more than one foot above the existing level otherwise than with the consent in writing of the company.

2. Not to do anything which may interfere with the right of support hereby granted.

3. Nothing shall be built erected constructed laid placed or grown in under or upon the land coloured red on the said plan other than objects removable on the demand of the company or shallow rooted plants or crops".

NOTE:-The land coloured red is hatched brown on the title plan in so far as it affects the land in this title.

- 10 The land is subject to the following rights granted by a Transfer of adjoining land dated 14 September 1984 made between (1) I. Ross (Estates) Limited (Vendor) and (2) Dandel Limited (Purchaser):-

"TOGETHER WITH

(1) The free and uninterrupted passage and running of water soil gas and electricity through the sewers drains and watercourses and the gas and electric pipes wires and cables hereinafter referred to as "the Services") which are now or may within eighty years from the date of completion be through on under or over other parts of the Vendor's Charlwood Gardens and Charlwood Road extended Estate ("the Estate") being the land now or formerly Registered within the title above mentioned (insofar as the same serve the Property) jointly or in common with the Vendor and all other person or persons who are now or may hereafter be entitled to connect with or use the services the Purchaser bearing paying and contributing together with such other persons a fair proportion according to the extent to which their respective land is served thereby of the costs of repairing maintaining renewing and cleansing the services and a right of entry on to the other parts of the Estate for the purpose of connecting to repairing maintaining renewing and cleansing the services the Purchaser making good forthwith at its own expense all damage occasioned by such entry.

(2) The right for the Purchaser and its successors in title owner or owners for the time being of the property or of any parts thereof and all persons authorised by it at reasonable times to enter upon the adjoining land of the Estate for the purpose of repairing maintaining painting or rebuilding any future building on the Property the person exercising such right making good at his own expense any disturbance thereby caused.

(3) The right for the Purchaser to construct a footpath four feet wide on the land hatched black on the said plan between the points "C" and "D" and a right for the Purchaser and its successors in title to pass and repass on foot only along the said footpath the Purchaser and its successors in title being responsible for the repair and maintenance of the said footpath and the Vendor contributing a fair proportion according to user of all expenses incurred by the Purchaser in such repair and maintenance".

C: Charges Register continued

NOTE:-The land hatched black and the points C and D referred to are edged blue and lettered A and B on the title plan.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 3 November 1920 referred to in the Charges Register:-

COVENANT by Purchaser with Vendor his heirs or assigns and other owners for the time being of the Vale Bridge Estate that the Purchaser would thenceforth for ever perform and observe conditions and stipulations set forth in the 1st Schedule thereto so far as the same affected or related to land thereby conveyed and further that for the purpose of making covenant on part of Purchaser lastly thereinbefore contained run with and bind the land thereby conveyed the Purchaser his heirs and assigns would cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by him or them of the said land or any part thereof.

THE FIRST SCHEDULE referred to

1. No caravan or house on wheels other than poultry houses or other structures to be used in connection with the industries of poultry farming horticulture fruitgrowing or agriculture shall be placed on the property.

2. The property until built upon shall not be used for any purpose other than as farm land garden ground meadow or arable land plant nursery or orchard nor shall any act deed or thing be done thereon or in any building erected thereon which may be an annoyance nuisance damage or disturbance to the Vendor or to the owner or tenant or any other portion of the Valebridge Estate.

3. No building of any kind other than one private dwellinghouse with appropriate offices and outbuildings to be appurtenant thereto and occupied therewith for small holding shall be erected on each frontage plot and no trade or business of any kind shall be carried on upon any part thereof without the Vendor's consent in writing.

4. Each Purchaser shall within three calendar months from the date of his Conveyance erect and forever after maintain good and sufficient fences to the approval of the Vendor's Surveyor along the side or sides of the land purchased by him where the same are marked with a 'T' on the estate plan.

5. The Vendors reserve the right to alter waive all or any of the above stipulations and conditions as to any plot or plots also to vary the laying out of the estate.

6. No building or erection shall be set up less than from the centre of the road in front thereof other than shop plots.

- 2 The following are details of the covenants contained in the Conveyance dated 29 March 1926 referred to in the Charges Register:-

"The Purchaser hereby covenants with the Vendor his heirs and assigns or other the owner or owners of the Valebridge Estate that she the Purchaser will henceforth for ever perform and observe the said restrictions conditions and stipulations and also will not at any time hereafter use or allow to be used the said land hereby conveyed or any part thereof for the trade or manufacture of Brickworks or allow any tiles or bricks to be burnt or made on the said land.

AND further that for the purpose of making the covenant on the part of the Purchaser lastly hereinbefore contained run with and bind the land hereby conveyed the Purchaser her heirs and assigns will cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by her of the said land or any part thereof PROVIDED ALWAYS that the said covenant shall only be binding on the Purchaser and such persons as aforesaid during the period of actual ownership but shall run with the land".

Title number ESX408380

Schedule of restrictive covenants continued

NOTE:-The restrictions conditions and stipulations are those contained
in the Conveyance dated 3 November 1920 referred to above.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

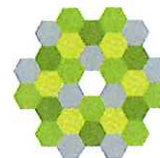
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 06 March 2023 shows the state of this title plan on 06 March 2023 at 11:23:08. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Coventry Office .

HM Land Registry
Official copy of
title plan

Title number **ESX408380**
Ordnance Survey map reference **TQ3220SW**
Scale **1:1250**
Administrative area **East Sussex : Lewes**



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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number ESX408380

Edition date 05.04.2022

- This official copy shows the entries on the register of title on 05 APR 2024 at 15:16:22.
- 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 05 Apr 2024.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

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

EAST SUSSEX : LEWES

- 1 (30.11.1966) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at Charlwood Gardens, Burgess Hill.
- 2 The land has the benefit of the following rights reserved by the Transfer dated 14 September 1984 referred to in the Charges Register:-

"EXCEPT AND RESERVING to the Vendor

(a) The right to enter upon the land coloured blue on the said plan at any time with or without men plant and machinery within eighty years of the date hereof (which shall be the perpetuity period applicable hereto) and therein at the Vendor's own expense to construct and lay drains channels sewers pipes wires cables watercourses and gutters ("the service installations") and to make connections to the service installations which now exist or shall hereafter (but within such period) be made or exist in upon or under the said land the Vendor causing as little disturbance as possible and making good the surface of the said land after any exercise of the said rights.

(b) The right to the free passage and running of water soil gas electricity and other services through the service installations now existing or made or existing within such period the Vendor paying a fair and proper proportion of the expense from time to time of cleansing maintaining repairing and renewing the same.

(c) The right to enter upon the said land after giving reasonable notice (except in the case of emergency) so far as may be necessary for the purpose of inspecting cleansing maintaining repairing and renewing the service installations the Vendor making good any damage caused to the said land by the exercise of such right of entry".

NOTE:-The land coloured blue referred to is tinted mauve on the title plan.
- 3 (18.11.2020) The land has the benefit of any legal easements granted by a Transfer of the land in this title dated 5 November 2020 made between (1) 85 Sackville Road Limited and (2) Asterisk Special Projects Limited but is subject to any rights that are reserved by the said deed and affect the registered land.

Title number ESX408380

A: Property Register continued

NOTE: Copy filed.

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 (05.04.2022) PROPRIETOR: BLUESKY PROPERTIES ESTATES LIMITED (Co. Regn. No. 12129234) of Winston House, 349 Regents Park Road, London N3 1DH.
- 2 (05.04.2022) The price stated to have been paid on 18 March 2022 was £100.

C: Charges Register

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

- 1 The land is subject to rights of drainage and rights in respect of water gas and electricity supply services.
- 2 The land is subject to rights of entry for the purpose of repairing maintaining painting or rebuilding the property on adjoining land.
- 3 The footpaths are subject to rights of way.
- 4 A Conveyance of the land in this title and other land dated 3 November 1920 and made between (1) Percy Portway Harvey (Vendor) (2) George Smith (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 5 A Conveyance of the land in this title and other land dated 29 March 1926 made between (1) William Fuller (Vendor) and (2) Anne Eliza Savill (Purchaser) contains covenants details of which are set out in the Schedule of restrictive covenants hereto.
- 6 The land is subject to the following rights contained in the Conveyance dated 29 March 1926 referred to above:-

"Subject to all rights of way water light and other easements affecting the same and all other rights of adjoining owners"
- 7 The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 31 August 1966 made between (1) Amy Eleanor Biggs (Vendor) and (2) Stanton Estates Limited (Purchaser):-

"EXCEPT AND RESERVED unto the Vendor the full right and use at all times of the water main passing through or under the said property serving the Vendor's adjoining property shown edged blue on the said plan PROVIDED ALWAYS that if it shall be necessary to alter the position of the said water main in connection with the development of the land hereby Conveyed the Purchaser shall be responsible for all costs and expenses involved in connection with the same and shall not in any event deprive the said adjoining property of the Vendor of a water supply".

NOTE:-The land edged blue referred to is land formerly comprising Oakroyd Farm adjoining the most westerly part of the land comprised in this title.
- 8 The parts of the land affected thereby is subject to the following rights granted by a Deed dated 8 December 1976 made between (1) I. Ross (Estates) Limited (Grantor) and (2) The South Eastern Electricity Board (Board):-

"FULL RIGHT AND LIBERTY for the Board and its successors in title to lay and maintain (which expressions shall without prejudice to the

C: Charges Register continued

generality thereof include to use and from time to time to repair alter relay renew supplement inspect examine test and remove) electric lines (an electric line being a wire or wires conductor or other means used for the purpose of conveying transmitting or distributing electricity with any casing coating covering tube pipe or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying transmitting or distributing electricity or electric currents under the land coloured yellow (hereinafter referred to as "the yellow land") on the plan No. CE.125 attached hereto and to break up the surface thereof so far as may be necessary from time to time for all or any of such purposes and also for all or any of such purposes to enter the said Property TO HOLD the said rights and liberties unto the Board fee simple as appurtenant to the Board's undertaking".

This Deed contains the following covenant:-

"THE Grantor to the intent and so as to bind the said Property and every part thereof into whosoever hands the same may come and to benefit and protect the easements hereby granted hereby covenants with the Board not to do or permit or suffer to be done or permitted on or near the yellow land any act which would in any way interfere with or damage any electric line laid by the Board in the exercise of the rights hereby granted nor to alter or permit or suffer to be altered the existing level of nor cover the surface of the yellow land in such a manner as to render access by the Board to any such electric line impracticable or more difficult than when such electric line is first laid in the exercise of the rights hereby granted AND in particular but without prejudice to the generality of the foregoing not to erect any building or structure (except as shown on the said Plan) nor plant any trees within a distance of 1.5 metres of the yellow land PROVIDED ALWAYS and it is hereby agreed and declared that (without prejudice to the proviso to Clause 2 hereof) nothing in the foregoing covenant contained or implied shall prevent the laying of appropriate surfaces on the estate roads and footpaths or on such of them or the yellow lands as comprise or form part of roads or footways after such electric lines have been laid".

NOTE:-The yellow land and land within 1.5 metres thereof is tinted yellow and hatched blue respectively on the title plan in so far as it affect the land in this title.

- 9 The parts of the land affected thereby are subject to the following rights granted by a Deed dated 17 November 1977 made between (1) I. Ross(Estates) Limited and (2) Mid-Sussex Water Company. This Deed also contains the following covenant by the Grantor.

"1. THE grantor as beneficial owner hereby grants unto the company FULL right and liberty in under or upon the land having a uniform width of ten feet situate on the east side of Valebridge Drive and Chichester Way in that part of Burgess Hill lying in the Parish of Wivelsfield and County of East Sussex (which land is for the purpose of identification only and not by way of limitation or enlargement Coloured red on the said plan) at all times hereafter and from time to time to construct and maintain a line or lines of pipes with or without ducts TOGETHER with all such Valve-boxes hydrant boxes inspection chambers cocks sluices washout valves hydrants stopcocks junctions cables and other apparatus as the company may think fit and installed below at or above ground level and all necessary or convenient markers indicating the position of the said Pipes and other apparatus and at all times hereafter and from time to time to maintain replace inspect enlarge remove and do all other works in connection with and supply water through the said pipes and other apparatus and in connection with the company's water undertaking which the Company shall deem necessary or advisable TOGETHER ALSO with the natural right of support heretofore enjoyed by the said land TO HOLD the said right and liberties unto the company in fee simple for the purpose of its statutory undertaking.

2. THE ownership of all pipes and apparatus laid and installed in pursuance of the rights and liberties hereby granted remains vested in the company.

3. THE company its agents contractors servants and workmen shall be

C: Charges Register continued

entitled to enter upon the adjoining land of the grantor and open up the layoff coloured red on the said plan and to pass and repass with or without vehicles and appliances over and along all adjoining land of the grantor for the purpose of exercising the right and liberties hereby granted.

5. THE grantor to the intent and so as to bind the land coloured red on the said plan into whosoever hands the same may come and to benefit and protect the statutory undertaking of the company or any part or parts thereof hereby covenants with the company at all times hereafter to observe and perform the restrictions and stipulations set out in the Second Schedule hereto.

THE SECOND SCHEDULE

1. The surface of the said land coloured red on the said plan shall not be lowered nor shall the surface thereof be raised by more than one foot above the existing level otherwise than with the consent in writing of the company.

2. Not to do anything which may interfere with the right of support hereby granted.

3. Nothing shall be built erected constructed laid placed or grown in under or upon the land coloured red on the said plan other than objects removable on the demand of the company or shallow rooted plants or crops".

NOTE:-The land coloured red is hatched brown on the title plan in so far as it affects the land in this title.

10

The land is subject to the following rights granted by a Transfer of adjoining land dated 14 September 1984 made between (1) I. Ross (Estates) Limited (Vendor) and (2) Dandel Limited (Purchaser):-

"TOGETHER WITH

(1) The free and uninterrupted passage and running of water soil gas and electricity through the sewers drains and watercourses and the gas and electric pipes wires and cables hereinafter referred to as "the Services") which are now or may within eighty years from the date of completion be through on under or over other parts of the Vendor's Charlwood Gardens and Charlwood Road extended Estate ("the Estate") being the land now or formerly Registered within the title above mentioned (insofar as the same serve the Property) jointly or in common with the Vendor and all other person or persons who are now or may hereafter be entitled to connect with or use the services the Purchaser bearing paying and contributing together with such other persons a fair proportion according to the extent to which their respective land is served thereby of the costs of repairing maintaining renewing and cleansing the services and a right of entry on to the other parts of the Estate for the purpose of connecting to repairing maintaining renewing and cleansing the services the Purchaser making good forthwith at its own expense all damage occasioned by such entry.

(2) The right for the Purchaser and its successors in title owner or owners for the time being of the property or of any parts thereof and all persons authorised by it at reasonable times to enter upon the adjoining land of the Estate for the purpose of repairing maintaining painting or rebuilding any future building on the Property the person exercising such right making good at his own expense any disturbance thereby caused.

(3) The right for the Purchaser to construct a footpath four feet wide on the land hatched black on the said plan between the points "C" and "D" and a right for the Purchaser and its successors in title to pass and repass on foot only along the said footpath the Purchaser and its successors in title being responsible for the repair and maintenance of the said footpath and the Vendor contributing a fair proportion according to user of all expenses incurred by the Purchaser in such repair and maintenance".

C: Charges Register continued

NOTE:-The land hatched black and the points C and D referred to are edged blue and lettered A and B on the title plan.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 3 November 1920 referred to in the Charges Register:-

COVENANT by Purchaser with Vendor his heirs or assigns and other owners for the time being of the Vale Bridge Estate that the Purchaser would thenceforth for ever perform and observe conditions and stipulations set forth in the 1st Schedule thereto so far as the same affected or related to land thereby conveyed and further that for the purpose of making covenant on part of Purchaser lastly thereinbefore contained run with and bind the land thereby conveyed the Purchaser his heirs and assigns would cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by him or them of the said land or any part thereof.

THE FIRST SCHEDULE referred to

1. No caravan or house on wheels other than poultry houses or other structures to be used in connection with the industries of poultry farming horticulture fruitgrowing or agriculture shall be placed on the property.
2. The property until built upon shall not be used for any purpose other than as farm land garden ground meadow or arable land plant nursery or orchard nor shall any act deed or thing be done thereon or in any building erected thereon which may be an annoyance nuisance damage or disturbance to the Vendor or to the owner or tenant or any other portion of the Valebridge Estate.
3. No building of any kind other than one private dwellinghouse with appropriate offices and outbuildings to be appurtenant thereto and occupied therewith for small holding shall be erected on each frontage plot and no trade or business of any kind shall be carried on upon any part thereof without the Vendor's consent in writing.
4. Each Purchaser shall within three calendar months from the date of his Conveyance erect and forever after maintain good and sufficient fences to the approval of the Vendor's Surveyor along the side or sides of the land purchased by him where the same are marked with a 'T' on the estate plan.
5. The Vendors reserve the right to alter waive all or any of the above stipulations and conditions as to any plot or plots also to vary the laying out of the estate.
6. No building or erection shall be set up less than from the centre of the road in front thereof other than shop plots.

- 2 The following are details of the covenants contained in the Conveyance dated 29 March 1926 referred to in the Charges Register:-

"The Purchaser hereby covenants with the Vendor his heirs and assigns or other the owner or owners of the Valebridge Estate that she the Purchaser will henceforth for ever perform and observe the said restrictions conditions and stipulations and also will not at any time hereafter use or allow to be used the said land hereby conveyed or any part thereof for the trade or manufacture of Brickworks or allow any tiles or bricks to be burnt or made on the said land.

AND further that for the purpose of making the covenant on the part of the Purchaser lastly hereinbefore contained run with and bind the land hereby conveyed the Purchaser her heirs and assigns will cause a recital of or reference to the said stipulations to be inserted in every Indenture of Conveyance or Lease to be made by her of the said land or any part thereof PROVIDED ALWAYS that the said covenant shall only be binding on the Purchaser and such persons as aforesaid during the period of actual ownership but shall run with the land".

Title number ESX408380

Schedule of restrictive covenants continued

NOTE:-The restrictions conditions and stipulations are those contained
in the Conveyance dated 3 November 1920 referred to above.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

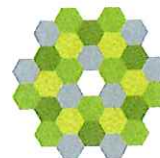
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 05 April 2024 shows the state of this title plan on 05 April 2024 at 15:16:22. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Coventry Office .

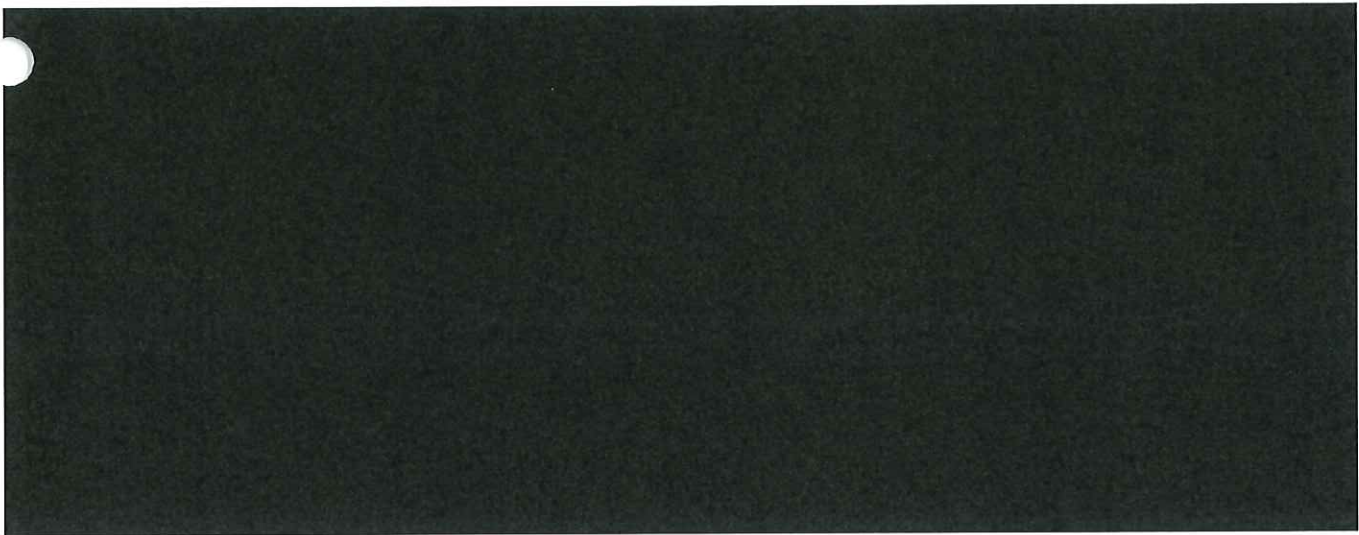
HM Land Registry Official copy of title plan

Title number **ESX408380**
Ordnance Survey map reference **TQ3220SW**
Scale **1:1250**
Administrative area **East Sussex : Lewes**



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From: commonlandcasework <CommonLandCasework@planninginspectorate.gov.uk>

Sent: 21 October 2019 17:57

To: Goodall, Ian <IAN.GOODALL@planninginspectorate.gov.uk>

Subject: FW: Trigger event information request for Village Geen Registration

From: Definitive Map <Definitive.Map@eastsussex.gov.uk>

Sent: 18 October 2019 11:30

To: commonlandcasework <CommonLandCasework@planninginspectorate.gov.uk>

Subject: Trigger event information request for Village Geen Registration

Please see the attached documents for a trigger information event request for new TVG application. I am aware the plan is not at the acceptable scale etc but before I request an acceptable one I wanted to see if any trigger events had occurred.

Kind regards,

Definitive Map Team
Rights of Way and Countryside Team

0345 6080193
eastsussex.gov.uk



This message is intended for the use of the addressee only and may contain confidential or privileged information. If you have received it in error please notify the sender and destroy it. You may not use it or copy it to anyone else.

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You can visit our website at <https://www.eastsussex.gov.uk>

The Commons Team
The Planning Inspectorate
Room 3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
commonlandcasework@planninginspectorate.gov.uk

date
9 October 2019

CR/NM

Dear Sirs

**Application to register a Town/Village Green – THE GREEN AND WOODS
CHARLWOODS GARDENS, WIVLESFIELD GREEN, EAST SUSSEX RH15 0RD**

I write on behalf of East Sussex County Council, which has received an application under section 15(1) of the Commons Act 2006 to register land The Green, Charlwood Gardens Wivelsfield Green as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration under the Commons Act 2006 by the Growth and Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events ("trigger events") has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the 2006 Act (as inserted by Schedule 4 to the 2013 Act). A copy can be read here: www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted.

Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in the box further below, and return the completed form and any relevant maps to me at the postal or email address below.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior 25

September 2019, it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not my authority can accept an application for registration of a green. This decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to Lewes District Council. Please notify me if you are aware that any other authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by 11 November 2019.

Yours faithfully



Legal Order Officer

T:

E:

PRIVACY

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

I confirm that no trigger or terminating event has occurred on the land ☐

I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land ☐

I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land ☐

Further information (Please use this box to explain the type and date of the trigger or terminating events.)

Details of officer completing this form-

Name:

Address:

Email:

Phone:

Yours sincerely


Legal Order Officer

T: 

E: 

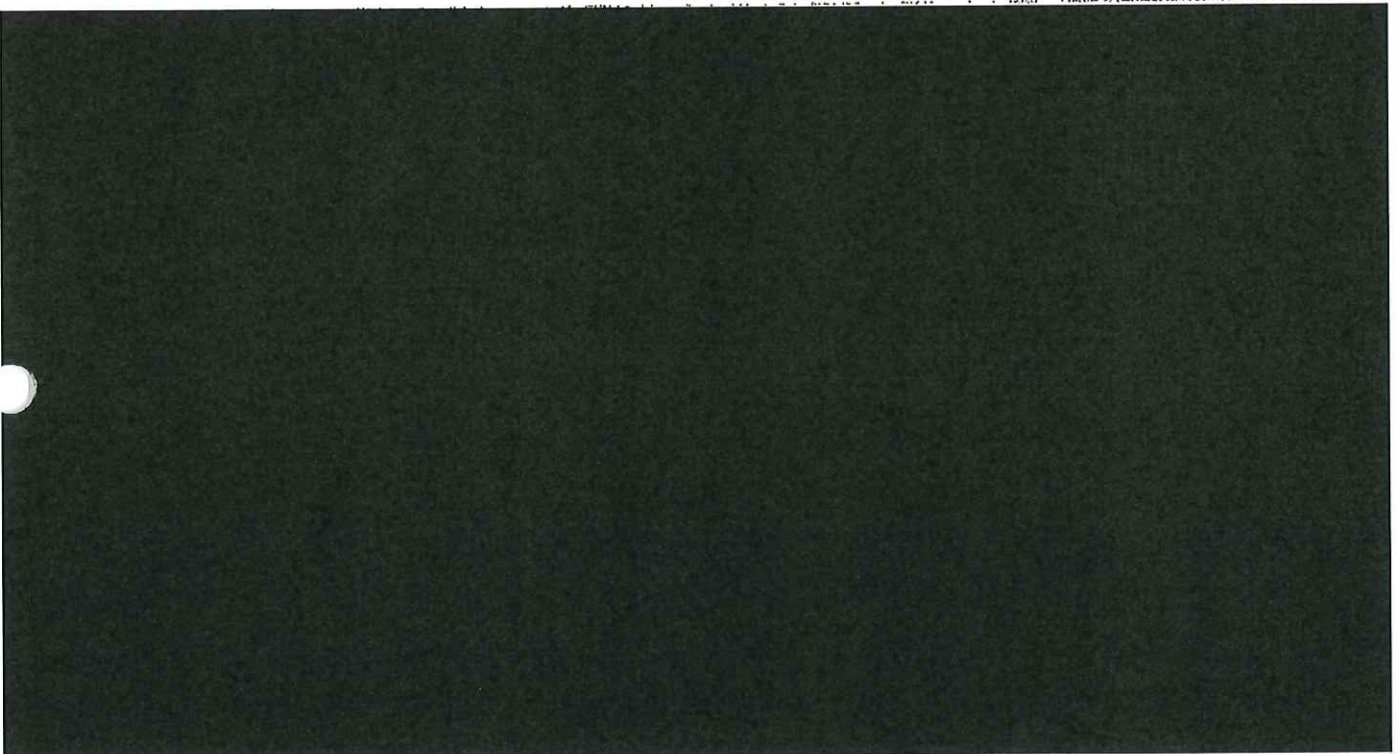
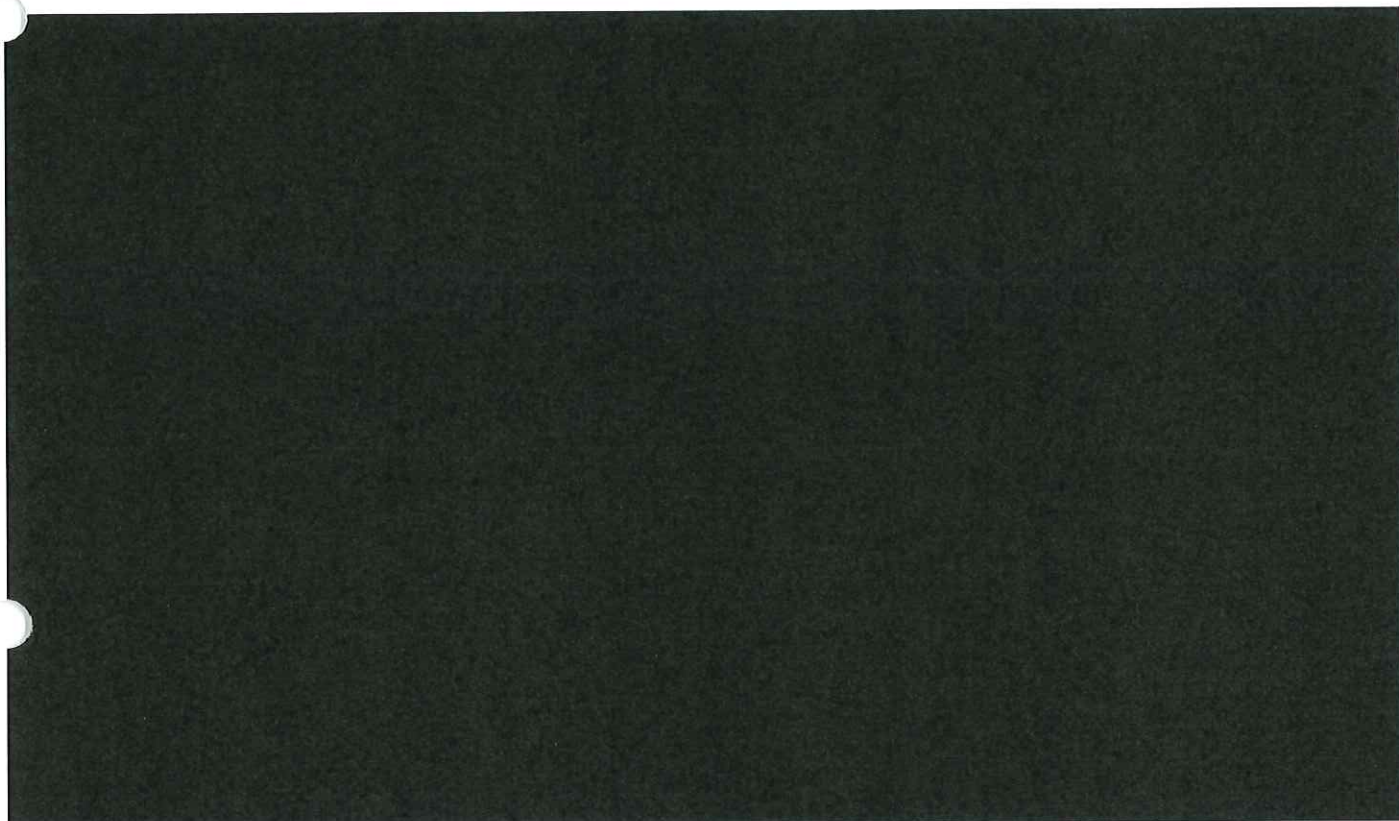
PRIVACY

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

I Colin Bird confirm that I am in agreement with the dedication route as shown between point A-G on the Agreement plan and no longer support the confirmation of the Order showing the route between points A-K.

Signed date.....2019



From: [REDACTED]@eastsussex.gov.uk]
Sent: 18 October 2019 11:56
To: Property
Subject: Information request re trigger event for a new Village Green Application

Kind regards,

Definitive Map Team
Rights of Way and Countryside Team

0345 6080193

eastsussex.gov.uk



Please see attached documents for information request re trigger event for a new Village Green Application in Lewes District

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You can visit our website at <https://www.eastsussex.gov.uk>

St Anne's Crescent

Rupert Clubb

Lewes

BEng (Hons) CEng MICE

East Sussex

Director

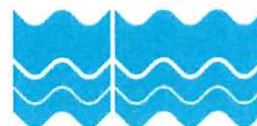
BN7 1UE

Tel: 0345 60 80 190

Fax: 01273 479536

www.eastsussex.gov.uk

East Sussex
County Council



Legal Services
Lewes District Council
Southover House
Lewes
Via email property@lewes-eastbourne.gov.uk

18 October 2019

CR/NM

Dear Sirs

Application to register a Town/Village Green – THE GREEN AND WOODS CHARLWOODS GARDENS, WIVLESFIELD GREEN, EAST SUSSEX RH15 0RD

I write on behalf of East Sussex County Council, which has received an application under section 15(1) of the Commons Act 2006 to register land The Green, Charlwood Gardens Wivelsfield Green as a town or village green. I enclose a map of the relevant land.

Due to an amendment of the legislation on greens registration under the Commons Act 2006 by the Growth and Infrastructure Act 2013, the right to apply for the registration of a green is excluded if any one of a number of prescribed planning-related events ("trigger events") has occurred in relation to the land. The right to apply becomes exercisable again only if a corresponding terminating event has occurred in relation to that land.

The trigger and terminating events are set out in Schedule 1A to the 2006 Act (as inserted by Schedule 4 to the 2013 Act). A copy can be read here: www.legislation.gov.uk/ukpga/2013/27/schedule/4/enacted.

Please could you read through the trigger and terminating events and tick one of the three boxes below which describes the situation and set out in detail any relevant information in the box further below, and return the completed form and any relevant maps to me at the postal or email address below.

If a relevant trigger event and/or corresponding terminating event has occurred, please clearly mark on the map provided (or your own), the extent of the land on which the event took place. Where more than one trigger event has occurred, please confirm whether a corresponding terminating event has occurred in respect of each trigger event. Please note that where a trigger event or terminating event occurred prior 25 September 2019, it is still considered a valid event. For example, if a local plan (i.e. a development plan document) adopted in 2008 identifies the land in question for development, then that is a valid trigger event. In cases where a trigger event has occurred in relation to part, but not all, of the land, the first and second boxes should be ticked and the detail explained in the box. The map should clearly indicate the areas which are and are not subject to the trigger event.

Your answer will determine whether or not my authority can accept an application for registration of a green. This decision could be the subject of legal action, so I must stress the need for you to be certain about the information included in your return.

A copy of this letter has also been sent to The Planning Inspectorate. Please notify me if you are aware that any other authority has responsibility for development control or plan-making functions in respect of the land to which this application relates.

Could you please reply to the address above by 11 November 2019.

Yours faithfully

[Redacted Signature]

Legal Order Officer

T: [Redacted]

E: [Redacted]

PRIVACY

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

I confirm that no trigger or terminating event has occurred on the land ☐

I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land ☐

I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land ☐

Further information (Please use this box to explain the type and date of the trigger or terminating events.)

Details of officer completing this form-

Name:

Address:

Email:

Phone:

Yours sincerely

[REDACTED]
Legal Order Officer

T: [REDACTED]

E: [REDACTED]

PRIVACY

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

I Colin Bird confirm that I am in agreement with the dedication route as shown between point A-G on the Agreement plan and no longer support the confirmation of the Order showing the route between points A-K.

Signed date.....2019

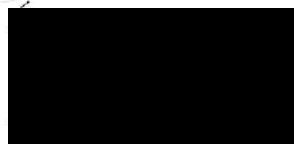


From: [redacted]@lewes-eastbourne.gov.uk]
Sent: 18 October 2019 16:00
To: [redacted]
Subject: RE: information request re trigger event for a new Village Green Application

Good afternoon [redacted]

Please see attached scan of the final page of your letter, signed and dated. Please do let me know if you require any more information relating to this query.

Kind regards,



Graduate Estate Surveyor

Lewes District and Eastbourne Borough Councils



I confirm that no trigger or terminating event has occurred on the land ☒

I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land ☐

I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land ☐

Further information (Please use this box to explain the type and date of the trigger or terminating events.)

Details of officer completing this form-

Name: [REDACTED]

Address: 1 Grove Road, Eastbourne, BN21 4TL
[REDACTED]

Yours sincerely

[REDACTED]
Legal Order Officer

T: [REDACTED]

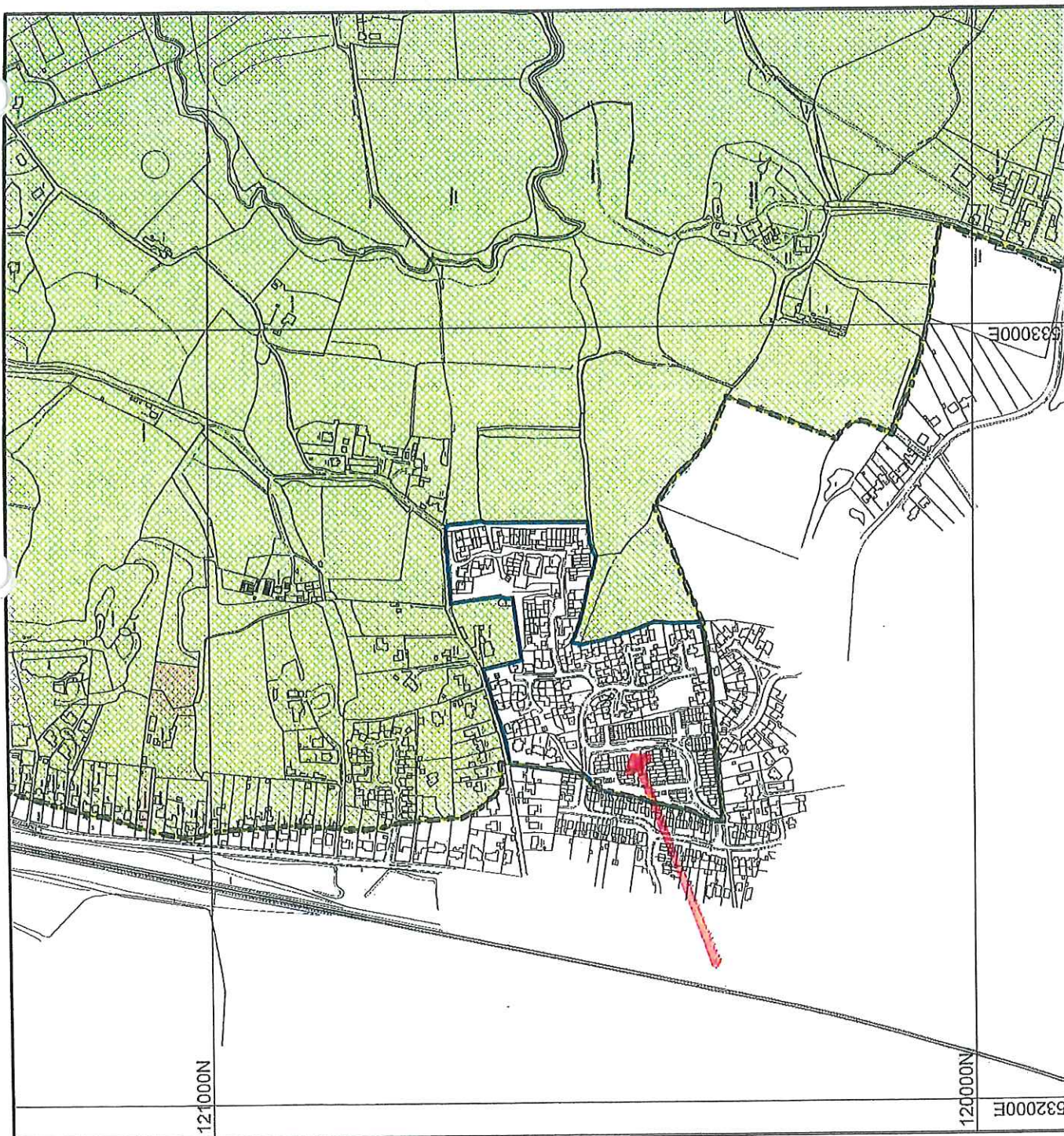
E: [REDACTED]

PRIVACY

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www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

Signed [REDACTED] date 18th October 2019




Lewes District Council




LEWES DISTRICT POLICIES MAP

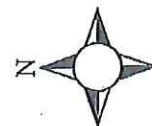
Inset Map 11: Edge of Burgess Hill

Key

-  District Boundary
-  Parish Boundaries
-  Plan Area

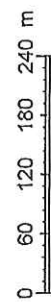
Lewes Local Plan Part 2 (December 2018)

-  DM1: Planning Boundary
-  Countryside Policies (Policies DM2, DM3, DM4, DM5, DM6, DM7, DM9, DM10, DM11, DM12)
-  BH01: Land at the Nuggets, Valesbridge Road, Edge of Burgess Hill

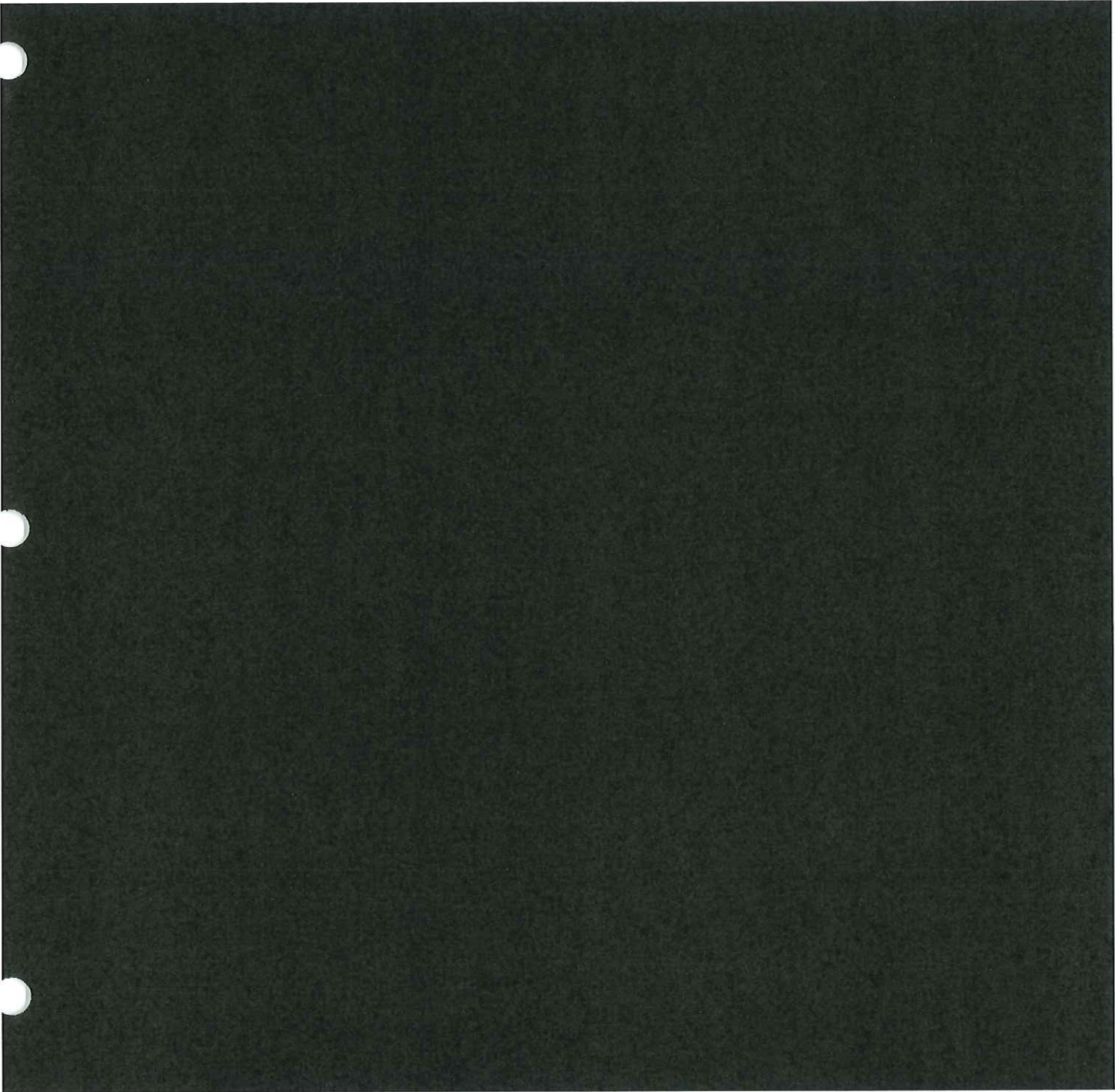


Date: December 2018

Scale: 1 : 5,000 @ A3



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Ordnance Survey 100019275. Lewes District Council.



From: Enquiries [<mailto:Enquiries@planninginspectorate.gov.uk>]

Sent: 24 October 2019 15:48


To: Definitive Map

Subject: FW: Trigger event information request for Village Green Registration

Dear Definitive MAP team,

Please see attached our response to your email dated 21 October 2019.

Regards,


Customer Service Adviser – The Planning Inspectorate

Customers are at the heart of everything we do

[Please click here to provide us with feedback to help improve our service](#)

3P, Kite Wing, Temple Quay House,
2 The Square, Temple Quay, Bristol, BS1 6PN

Email: enquiries@planninginspectorate.gov.uk
Helpline: 0303 444 5000

twitter: @PINSgov

web: www.gov.uk/government/organisations/planning-inspectorate

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Commons Act 2006 -Section 15

Application to Register Land as a Town or Village Green at

THE GREEN AND WOODS CHARLWOODS GARDENS, WIVLESFIELD GREEN, EAST
SUSSEX RH15 0RD

I confirm that no trigger or terminating event has occurred on the land

☐

I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land

☒

I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land

☐

Further information: (please use this box to explain the type and date of the trigger or terminating events)

Lewes Local Plan Part 2

Details of officer completing this form:

Name: [REDACTED]

Address: The Planning Inspectorate, Bristol

[REDACTED]

Telephone: 03034445000

From: Definitive Map [<mailto:Definitive.Map@eastsussex.gov.uk>]
Sent: 08 November 2019 13:40
To: Property; [REDACTED]
Subject: FW: teh Green and Woods Charlwoods Gardens RH15 ORD
Importance: High

Hello

Please see emails below and I am enquiring if LDC will be forwarding a reply in due course?

Kind regards
[REDACTED]

Kind regards,

Definitive Map Team
Rights of Way and Countryside Team

0345 6080193
eastsussex.gov.uk



From: Definitive Map
Sent: 25 October 2019 10:42
To: [REDACTED] [\[REDACTED\]@lewes-eastbourne.gov.uk](mailto:[REDACTED]@lewes-eastbourne.gov.uk)
Subject: teh Green and Woods Charlwoods Gardens RH15 ORD
Importance: High

Good Morning [REDACTED]

Thank you for your response however I have heard from The Planning Inspectorate that there is a 'trigger event' Lewes Local Plan Part 2 and attach a copy of their form.

Please can you let me have any revised notification you may wish to make and any other comments on how LDC believes the Local Plan Part 2 affects the Application.

I would be further grateful to receive a link to or scanned copy of the Local Plan also.

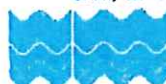
Kind regards

[REDACTED]
Legal Order Officer
Rights of Way and Countryside

[REDACTED] 0345 60 80 193

sussex.gov.uk/rightsofway
[Privacy statement](#)

East Sussex
County Council



To: Definitive Map

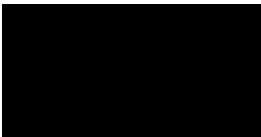
Subject: RE: teh Green and Woods Charlwoods Gardens RH15 ORD

Good morning,

I have spoken with both our planning and policy departments regarding this matter and I have been informed that the Lewes Local Plan Part 2 has no effect on this application to register a village green. The Lewes Local Plan Part 2 has no allocations and no policy affecting the site and therefore does not constitute a trigger event.

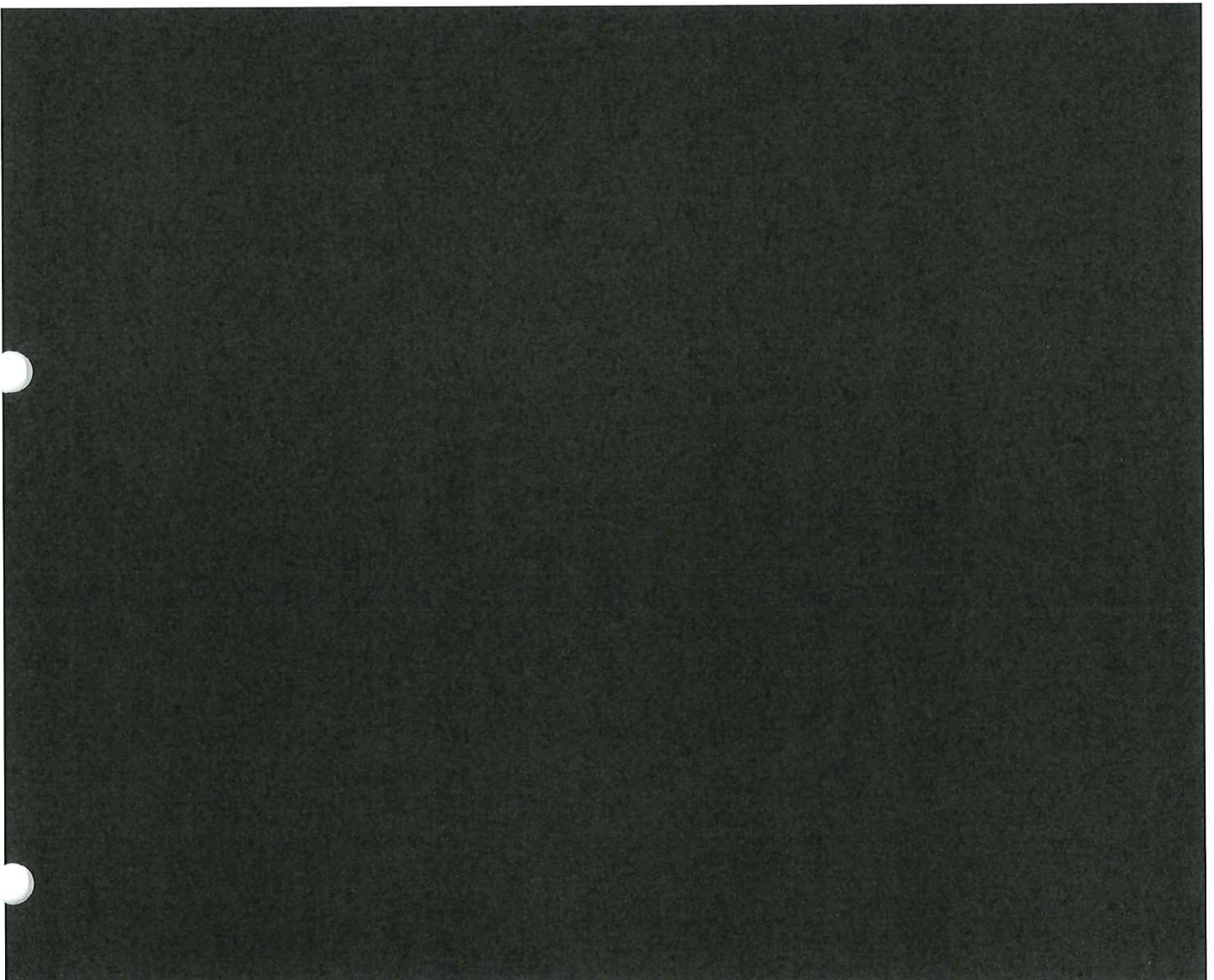
Please contact me if you require any further information.

Kind regards,



Graduate Estate Surveyor

Lewes District and Eastbourne Borough Councils



From: Definitive Map
Sent: 12 November 2019 10:35
To: [REDACTED]
Subject: FW: the Green and Woods Charlwoods Gardens RH15 ORD

Hi [REDACTED]

I hope all good with you.

I have a new TVG application and have written to LDC and PINS to request information on trigger events etc you will see from the responses that they are different PINS say yes one has occurred and LDC has said no, I don't pretend to know anything about Planning etc so hoping you can help who is right or wrong please? [REDACTED]

Thanks [REDACTED]

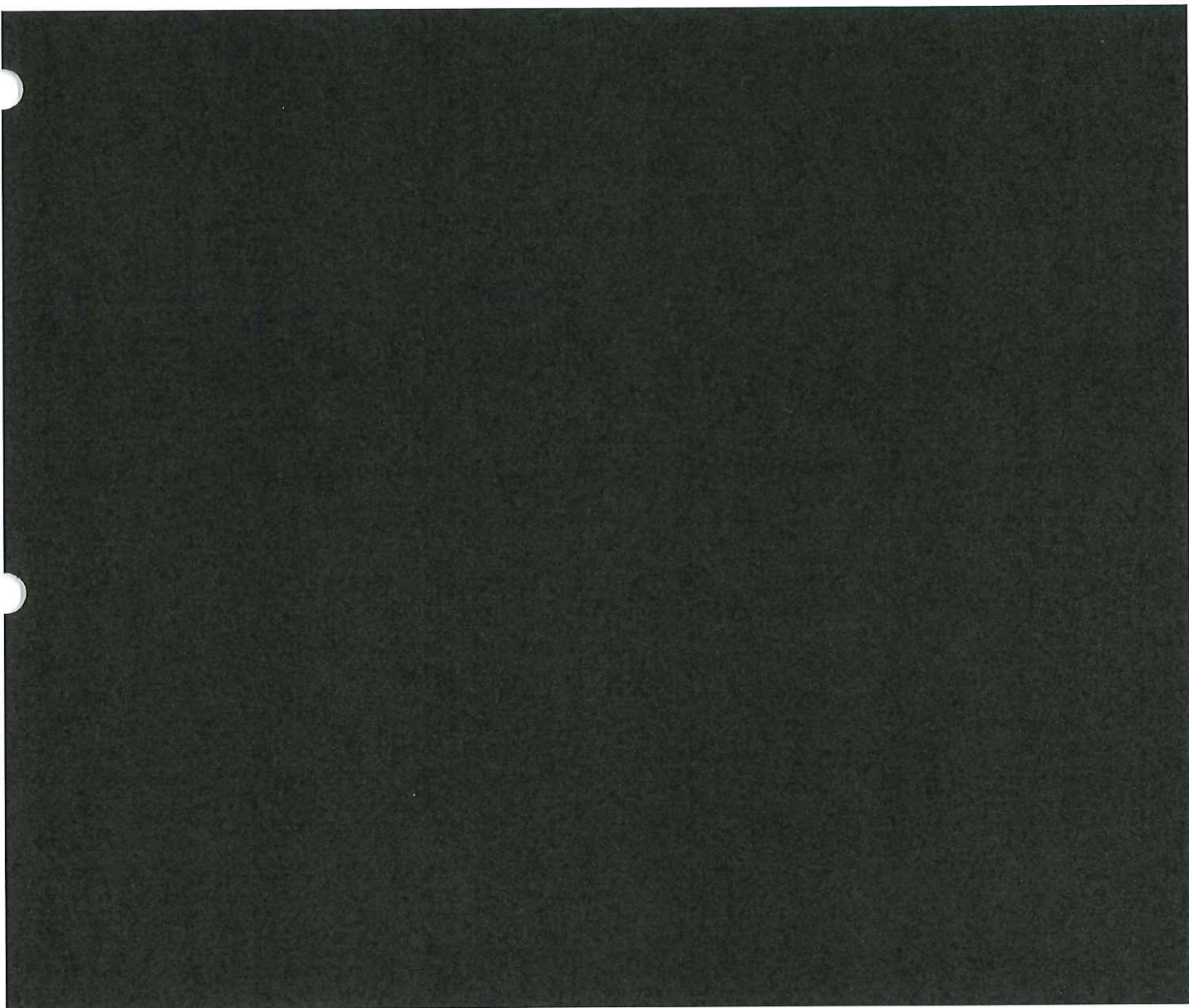
[REDACTED]
Legal Order Officer
Rights of Way and Countryside

[REDACTED] 0345 60 80 193

eastsussex.gov.uk/rightsofway

[Privacy statement](#)





From: [REDACTED]
Sent: 12 November 2019 1:28 PM
To: Definitive Map
Subject: RE: the Green and Woods Charlwoods Gardens RH15 ORD

Hi [REDACTED]

Interesting!

PINs' response refers to the "Lewes Local Plan Part 2" I have had a dlq around LDC's website and found some information on their emerging Local Plan that may help. It seems that "Part 2" is to do with "Site allocations and development management policies" so PINs' response would suggest that they think the site may be one that LDC are looking to include in their local plan as being allocated for development. The link below should help you get to the point I have:-

http://planningpolicyconsult.lewes-eastbourne.gov.uk/consult.ti/LPP2_MM19/consultationHome

The draft document makes reference to three sites for 34 dwellings within Wivelsfield Green that have been identified in an existing Neighbourhood Plan. I can't tell if one of these is the land you are concerned with. You may be able to tell if you look at the plan within the "word" document on that link?

From what I can work out, LDC's draft Plan has been submitted to an Inspector for independent examination and the Inspector has made some recommendations for modifications. This does mean that any land earmarked for development within that draft plan should be affected by a trigger event.

I take it both PINs and LDC were sent a copy of a plan showing the land? If so, they should have checked it against the emerging plan. I, therefore, can't understand why one thinks it is affected by policies in the draft Plan and the other doesn't!

In light of PINs' response I think you need to go back to LDC Officers and explain the issue you now have and ask them to double check and confirm. They can't both be right!

I hope this helps.

Regards



Senior Solicitor | East Sussex County Council

Telephone:



Email:

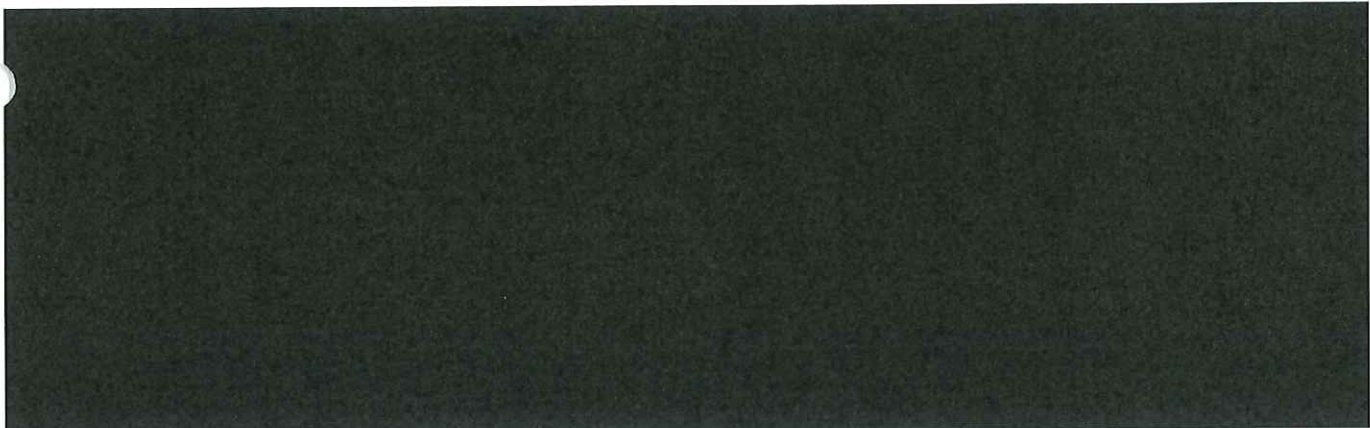


Address: PO Box 2714, County Hall, Lewes, East Sussex, BN7 1UE

DX: 97482 Lewes 3



*The Legal Services of Brighton and Hove City Council, East Sussex County Council,
Surrey County Council and West Sussex County Council working in partnership*




From: Definitive Map <Definitive.Map@eastsussex.gov.uk>
Sent: 12 November 2019 14:26
To: Enquiries <Enquiries@planninginspectorate.gov.uk>
Subject: FW: Trigger event information request for Village Green Registration
Importance: High

Hello

Thank you for your email notifying of a trigger event, however I have now heard from Lewes District Council who have said the land in question is not affected by such an event. I have asked them to confirm and they have so I hope you don't mind if I ask the same of PINS? Attached is copy of LDC Local Plan for the area concerned and I have marked with a red arrow the application area and would be further grateful if you could double check whether or not there has been a trigger event?

Kind regards



Legal Order Officer
Rights of Way and Countryside

 0345 60 80 193

eastsussex.gov.uk/rightsofway

[Privacy statement](#)



[REDACTED]

From: Enquiries [mailto:Enquiries@planninginspectorate.gov.uk]
Sent: 16 December 2019 17:28
To: Definitive Map
Subject: RE: Trigger event information request for Village Geen Registration

Hi [REDACTED]

Thanks for your further email.

Did you receive a response to your email below? I can't trace one and therefore sincerely apologise for the initial response, which contained an error, and the delay in responding to your further query. I've attached our amended response and if you have any further problems please let me know directly as we are training colleagues on this type of casework at the moment.

Regards,

[REDACTED]
Customer Service Advisor

Putting the customer at the heart of everything we do!



The Planning Inspectorate

Room 30, Temple Quay House,
2 The Square, Temple Quay, Bristol, BS1 6PN

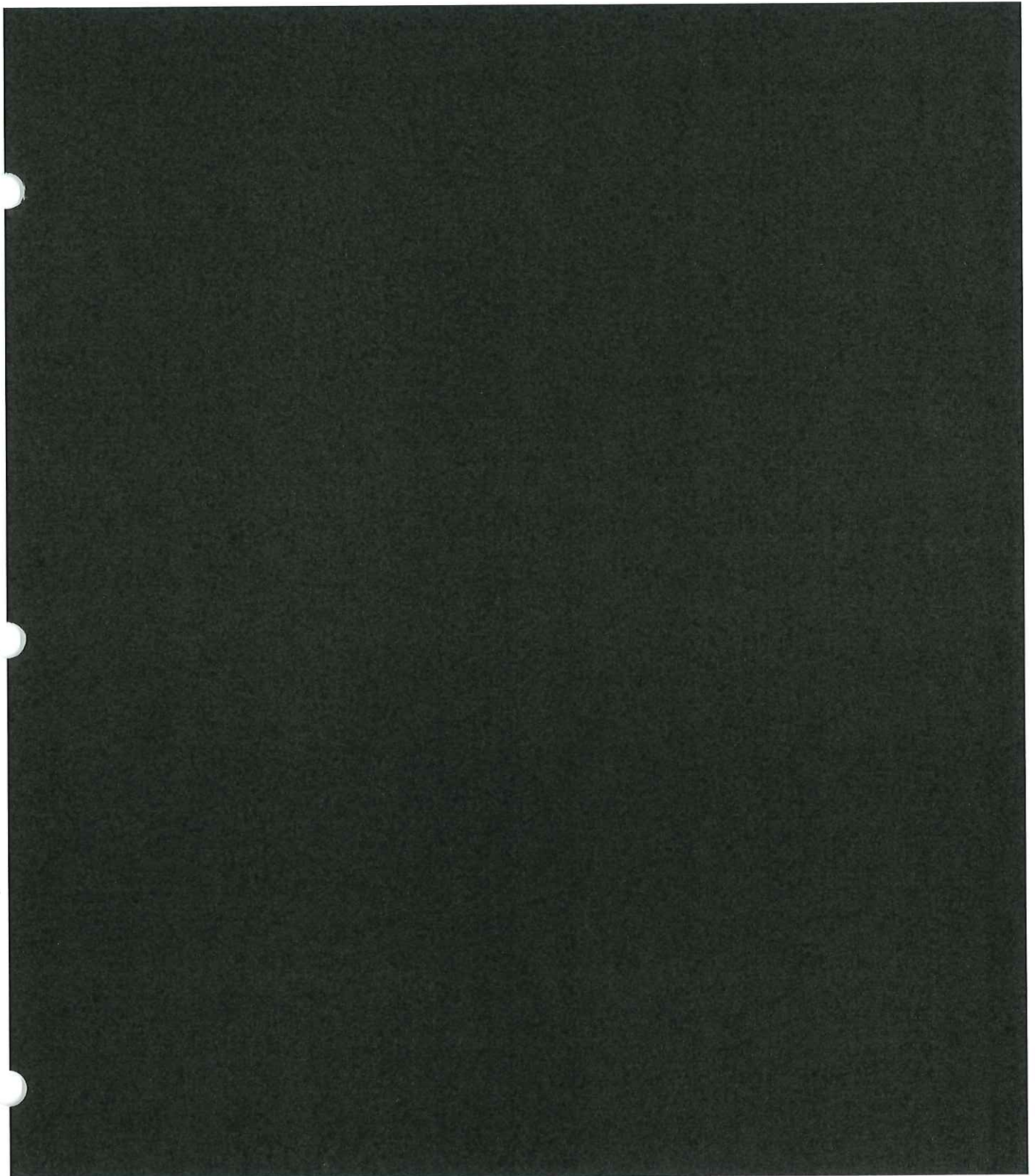
Email: enquiries@planninginspectorate.gov.uk
Helpline: 0303 444 5000



twitter: @PINSgov

web: www.gov.uk/government/organisations/planning-inspectorate

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Commons Act 2006 -Section 15

Application to Register Land as a Town or Village Green at

THE GREEN AND WOODS CHARLWOODS GARDENS, WIVLESFIELD GREEN, EAST
SUSSEX RH15 0RD

I confirm that no trigger or terminating event has occurred on the land

☒

I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land

I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land

Further information: (please use this box to explain the type and date of the trigger or terminating events)

Details of officer completing this form:

Name:

Address: The Planning Inspectorate, Bristol

E-mail:

Telephone:

Incorrect response
confirmed in email
16.12.2019.

Commons Act 2006 -Section 15

Application to Register Land as a Town or Village Green at

THE GREEN AND WOODS CHARLWOODS GARDENS, WIVLESFIELD GREEN, EAST
SUSSEX RH15 0RD

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I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land

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I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land

☐

Further information: (please use this box to explain the type and date of the trigger or terminating events)

Lewes Local Plan Part 2

Details of officer completing this form:

Name: [REDACTED]

Address: The Planning Inspectorate, Bristol

E-mail: [REDACTED]

Telephone: [REDACTED]

INCORRECT response
continued in email
16.12.2019.

Commons Act 2006 -Section 15

Application to Register Land as a Town or Village Green at

THE GREEN AND WOODS CHARLWOODS GARDENS, WIVLESFIELD GREEN, EAST
SUSSEX RH15 0RD

I confirm that no trigger or terminating event has occurred on the land

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I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land

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I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land

☐

Further information: (please use this box to explain the type and date of the trigger or terminating events)

Lewes Local Plan Part 2

Details of officer completing this form:

Name: [REDACTED]

Address: The Planning Inspectorate, Bristol

E-mail: [REDACTED]

Telephone: [REDACTED]

From: Definitive Map [mailto:Definitive.Map@eastsussex.gov.uk]

Sent: 02 March 2020 10:35

To: [REDACTED] Definitive Map

Cc: [REDACTED]

Subject: RE: the Green and Woods Charlwoods Gardens RH15 0RD TVG Application

Importance: High

Hi [REDACTED]

The above TVG application is progressing as LDC confirmed that the land was not subject to a trigger event as not in the LP – PINS also confirmed that after I went back to them.

Just wanted to ask that as it is now confirmed that the landowner is selling the land by auction am I able to contact the Auctioneers and inform them of the TVG Application? Also am I correct in that it doesn't alter the fact that an Application has been received and this selling of the land isn't a trigger?

Many thanks

[REDACTED]

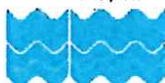
Legal Order Officer
Rights of Way & Countryside

[REDACTED] 0345 60 80 193

eastsussex.gov.uk/rightsofway

[Privacy statement](#)

East Sussex
County Council



[REDACTED]

From: [REDACTED]
Sent: 02 March 2020 14:53
To: Definitive Map; Definitive Map
Cc: [REDACTED]
Subject: RE: the Green and Woods Charlwoods Gardens RH15 ORD TVG Application

Categories: NM
Caption: [REDACTED]
Client: CT506
ClientDesc: ESCC CET Environment
ConvertToPDF: No
currentSubject: RE: the Green and Woods Charlwoods Gardens RH15 ORD TVG Application
GENERAL ADVICE - TOWN & VILLAGE GREENS (CT506.120)
DatabaseID: 2801
DocID: 1127713
DocRegDesc: advice re sale of land and TVG application
Letter: 120
MatterDesc: GENERAL ADVICE - TOWN & VILLAGE GREENS
NorAtt: No
NorSaved: Yes
NorwelMail: Yes
SaveToNorwel: Yes

Hi [REDACTED]

I am not sure why we would be contacting the Auctioneer to notify them of the application? As far as I am aware, as Registration Authority we don't have a duty to do so. This is a matter for the seller and any potential buyer. The seller should be disclosing anything that could affect the land when it goes to auction. If s/he fails to do so that would be a matter between the seller and any buyer, not one for ESCC as Registration Authority.

Our role is now to consider the Application. As long as we have complied with all statutory requirements regarding notification to current owner, notices on site, etc then our responsibilities do not extend any further as regards the sale unless direct queries come in as could be the case with any sale/purchase.

I agree that the sale does not make any difference to the consideration of the TVG claim and the sale of the land is not a trigger event.

Regards

[REDACTED]
[REDACTED] | Senior Solicitor | East Sussex County Council

Telephone: [REDACTED]

Email: [REDACTED]
Address: PO Box 2714, County Hall, Lewes, East Sussex, BN7 1UE
DX: 97482 Lewes 3





Proprietor
85 Sackville Road Ltd
Of The Coach House
Ardingly Road
Lindfield
West Sussex RH16 2QY

date
11 February 2020

THIS COMMUNICATION AFFECTS YOUR PROPERTY

please contact

our ref

your ref

[redacted] n
[redacted] 03456080193

RWO/CR/cg

Dear Sirs

Commons Act 2006

Application to register land as a new town or village green

Land near to Charlwood Gardens, known as The Green & The Woods, RH15 0RD

The County Council as registration authority has received an application to register land as a Town or Village Green (TVG) pursuant to s15 Commons Act 2006 and the Commons (Registration of Town or Village Greens (England) Regulations 2014.

Pursuant to regulation 5(1)(a) the registration authority is obliged to give notice to every person whom the registration authority has a reason to believe to be an owner, lessee, tenant or occupier of the land affected by the application. Accordingly, as the registered landowner (copy enclosed for your ease of reference) I hereby serve Notice of the Application, please find enclosed a copy of the Notice which will be shortly advertised in the local press.

I enclose a copy of the application and supporting evidence for your consideration.

As landowner you have the opportunity to register the land as a TVG, below I set out the Law:

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.

The effect of registering land as TVG means that the residents of the locality will have the right to use the land for lawful sports and pastimes and the piece of land would be recorded in the legal document known as the Register of Town and Village Greens. There is no provision in law regarding maintenance of Village Greens and there is no obligation on the landowner to maintain the village green. When land is registered as a TVG, the ownership of the land does not change as it is solely for the recording of recreational rights over the land in question. Further

information can be found on DEFRA website at www.gov.uk/common-land-management-protection-and-registering-to-use#commons-registration

Should you not wish to voluntarily register the land as a TVG the Council is obliged to process the Application as it stands. This process involves

- An advert in the local press and on site allowing a period of six weeks for any objections/representations to be made.
- Any objections/representations will be sent to the applicant for comment
- The Application will be carefully considered by the Council and legal advice may be sought if needed.
- Report produced and presented to the Council's Town and Village Green Panel.

There would be three possible outcomes of the Panel;

1. Application accepted and land registered as a TVG
2. Application referred to a Public Inquiry for further consideration, where an independent Inspector will make a recommendation which would then go back to the Council's TVG Panel for a determination to be made; or
3. Application rejected and not registered as a TVG.

I would be grateful if you could respond with 28 days of this letter. Should no response be forthcoming then the Application will be processed as described above.

Should you wish to discuss any of the above please do not hesitate to contact me. L

Yours faithfully


Legal Order Officer



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East Sussex County Council	
Map	Scale: 1:761
Author:	Date: 26/02/2020

Rupert Clubb

St Anne's Crescent

BEng (Hons) CEng MICE

Lewes

Director

East Sussex

BN7 1UE

[REDACTED]
Clerk to Wivelsfield PC
The Cock Inn
North Common Road
Wivelsfield Green
RH17 7RH

3 March 2020

CR/NM1363

Dear Sirs

Application to register a Town/Village Green – THE GREEN AND WOODS
CHARLWOODS GARDENS, WIVELSFIELD GREEN, EAST SUSSEX RH15 0RD

Please find enclosed a copy of the above Application to add a town/village green..
Should the Parish Council have any comments or representation to make they will
need to be received in this office by 27 April 2020. Should I not hear from the Parish
Council by that date I will assume that no representations will be forthcoming.

The Application will be advertised on site and in the local press on 13 March 2020.

Yours faithfully

[REDACTED]
[REDACTED]
Legal Order Officer

T: [REDACTED]

E: [REDACTED]

PRIVACY

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

I confirm that no trigger or terminating event has occurred on the land ☐

I confirm that a trigger event has occurred, but no corresponding terminating event has occurred on the land ☐

I confirm that a trigger event has occurred but a corresponding terminating event has also occurred on the land ☐

Further information (Please use this box to explain the type and date of the trigger or terminating events.)

Name:
Address:
Email:
Phone:

Yours sincerely

[Redacted]

Legal Order Officer

T: [Redacted]

E: [Redacted]

PRIVACY

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www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

I Colin Bird confirm that I am in agreement with the dedication route as shown between point A-G on the Agreement plan and no longer support the confirmation of the Order showing the route between points A-K.

Signed date.....2019



R Bunnings
85 Sackville Road Ltd
Of The Coach House
Ardingly Road
Lindfield
West Sussex RH16 2QY

date
11 March 2020

THIS COMMUNICATION AFFECTS YOUR PROPERTY

please contact

our ref

your ref

RWO/CR/cg

[REDACTED] 03456080193

Natalie.mclean@eastsussex.gov.uk

Dear Sir

Commons Act 2006

Application to register land as a new town or village green

Land near to Charlwood Gardens, known as The Green & The Woods, RH15 0RD

Further to my letter of 11 February where no response has been forthcoming I write to inform you that the County Council as registration authority has received an application to register land as a town or village green pursuant to s15 Commons Act 2006 and the Commons Registration (England) Regulations 2014. The Application will now be processed accordingly.

Pursuant to regulation 5(1)(a) the registration authority is obliged to give notice to every person whom the registration authority has a reason to believe to be an owner, lessee, tenant or occupier of the land affected by the application. Accordingly, please find enclosed a copy of the Notice which will be advertised in the Mid SussexTimes on 13 March 2020. A Notice will also appear on site.

I enclose a further copy of the application for your consideration.

Any objection, which must be received by 27 April 2020 will be copied to the applicant for comment, in accordance with regulation 6(3).

Should you wish to discuss any of the above please do not hesitate to contact me.

Yours faithfully

[REDACTED]

Legal Order Officer

EAST SUSSEX COUNTY COUNCIL

COMMONS ACT 2006

Notice of an application (1363) for the registration of land as a town or village green, Wivelsfield Green/Burgess Hill

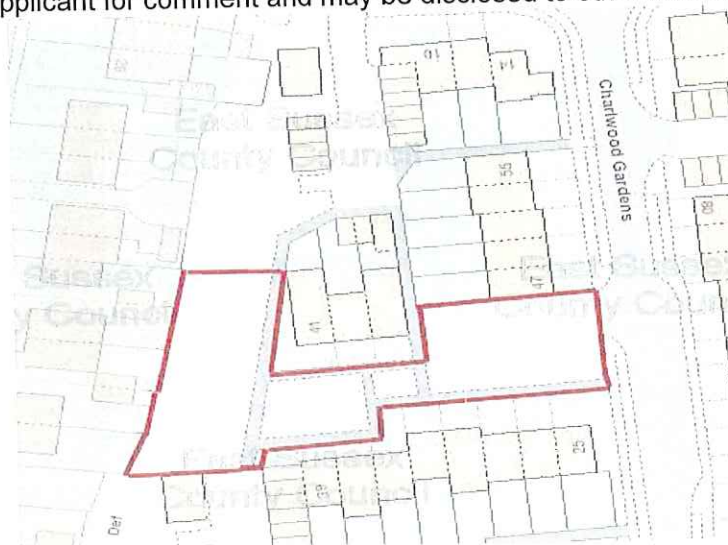
To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

Application has been made to the registration authority, the East Sussex County Council of County Hall, Lewes, East Sussex BN7 1AL under section 15 (1) and section 15(2) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014. The application seeks the inclusion in the register of town or village greens of land described as The Green and The Woods, Charlwood Gardens RH15 0RD.. It is claimed to have qualified for registration as a town or village green by the actual use of the land by a significant number of the inhabitants of the locality as of right for lawful sports and pastimes for a period of at least 20 years. They continue to do so at the time of the application.

The application, which includes a plan of the area proposed for registration, may be inspected at the following local authority office: East Sussex County Council, Reception, County Hall, Lewes, East Sussex BN7 1AL between the hours of 9.00 and 4.00 and at the office of Lewes District Council, Southover House Southover Road Lewes during normal office hours.

If the registration authority is satisfied that the land near Charlwood Gardens and in a polygon shape, qualifies for registration as a town or village green, it will so register the land.

Any person wishing to object to the registration of the land as a town or village green should send a statement of the facts on which the objection is based and any supporting evidence to East Sussex County Council, Rights of Way Section, County Hall, West B Lewes, East Sussex BN7 1UE (Ref.RWO/CRCG1363) or via email; Definitive.map@eastsussex.gov.uk on or before 27 April 2020 being six weeks from the date of this notice. Any representations that are to be taken into account by the Authority in reaching a decision on the application cannot be treated as confidential and will be copied to the applicant for comment and may be disclosed to other interested parties.



Dated: 13 March 2020
Philip Baker, Assistant Chief Executive, East Sussex County Council, County Hall Lewes,
BN7 1UE

EAST SUSSEX COUNTY COUNCIL

COMMONS ACT 2006

Notice of an application (1363) for the registration of land as a town or village green, Wivelsfield Green/Burgess Hill

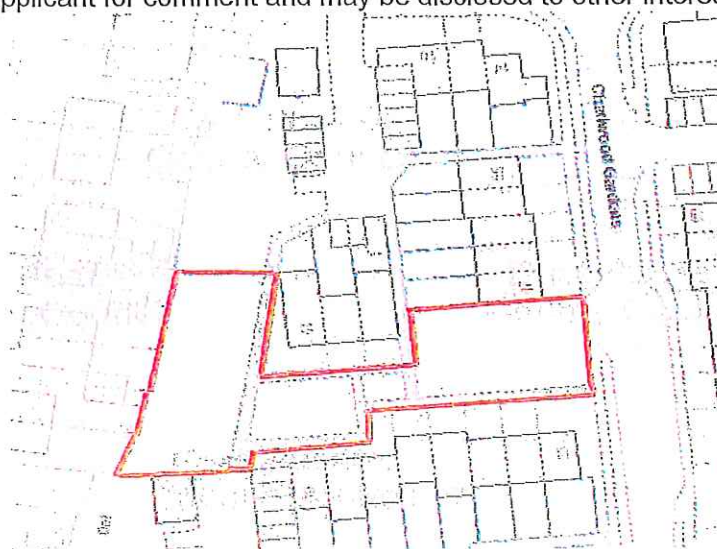
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Dated: 13 March 2020

Philip Baker, Assistant Chief Executive, East Sussex County Council, County Hall Lewes, BN7 1UE

Stephen Kisko

From: [REDACTED]
Sent: 01 April 2020 10:09
To: Definitive Map
Subject: FW: Land at Charlwood Gardens RH15 ORD
Attachments: charlwood gardens village green application shaded.pdf

From: richard bunning [REDACTED]
Sent: 01 April 2020 09:58
To: [REDACTED]@eastsussex.gov.uk>
Subject: Land at Charlwood Gardens RH15 ORD

Dear [REDACTED]

I am writing in reference to the application to register the above land as a village green.

I am a director of the company that owns the land (85 Sackville Road Ltd).

I have been in communication with Katy Downton (the Applicant) both before and after the application was received.

In terms of the application I dispute (and I believe Katy accepts) that the westerly part of the land (hatched in the attached plan) has only relatively recently been made into a cycle track. This woodland was overgrown with brambles and on the orders of the local authority tree officer I had some dead branches removed. The tree surgeons cleared an area around the tree and I believe some local residents may have further cleared it for use as a cycle track (bumps). This was less than 2 years ago and therefore I believe does not qualify the land to be considered as a Village Green.

I wanted to sell the remainder of the land that is part of the application along with some alleyways and other strips on the estate. I put the property into auction but the auction was cancelled due to the Coronavirus outbreak.

Wivelsfield Parish Council made some noises to the auctioneer about possibly buying the land but so far nothing has become of that. I have also spoken to Katy about the local residents buying the land but the current Coronavirus situation has made all of this take 2nd place. There is also the uncertainty about responsibility of maintenance.

When originally built in 1980 the common areas of the estate were to be maintained by "The Charlwood Gardens Residents Association Ltd". Each owner was to have one share. The company was struck off at Companies House after a year, and there is little evidence of any formal agreements in respect of the land but several residents I have spoken to were aware of the existence of the company in the past.

I am writing to request that either the application is rejected on the basis of the paragraph 4 of this letter, and a new application made when the current crisis has passed. Failing that I suggest the hearing is postponed until times return to normal.

Yours sincerely

Richard Bunning

EAST SUSSEX COUNTY COUNCIL

COMMONS ACT 2006

Notice of an application (1363) for the registration of land as a town or village green, Wivelsfield Green/Burgess Hill

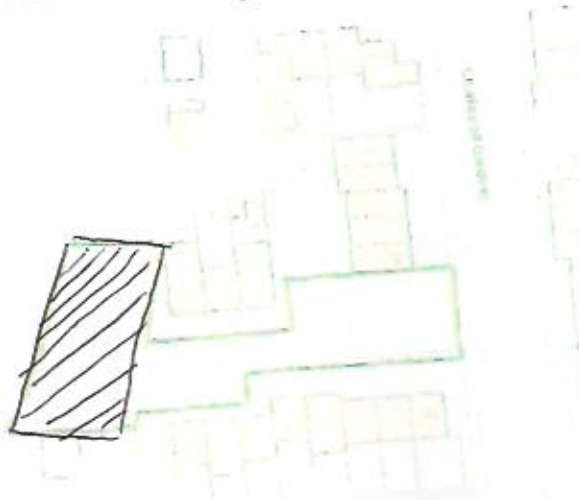
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Dated: 12 March 2020

Philip Baker, Assistant Chief Executive, East Sussex County Council, County Hall Lewes, BN7 1UE

From: richard bunning [REDACTED]
Sent: 23 April 2020 11:36
To: Definitive Map
Subject: aAPPLICATION 1363 FOR LAND AS VILLAGE GREEN (CHARLWOOD GARDENS BURGESS HILL)

Categories: [REDACTED]

Dear [REDACTED]

Thank you for your helpful email sent on 1st April.

I have been trying to sell the land concerned but the application for a TVG has thwarted that.

I have been trying to reconcile trying to acknowledge that the residents have used the land for many years and the feeling that the application has essentially snatched away a plot that perhaps had a value of £15,000 to £20,000. The application would probably have never been made if I had not offered it to the residents in the first place.

There has been various suggestions that I might give the land to the residents or the local council, but there seems to be a reluctance to take on the other parts of the land that I want to sell, principally some alleyways and back garden strips. It has been suggested I wouldn't be required to maintain any land that became a TVG but I don't read that into the Act, maintenance seems to be silent in the Commons Registration Act although I am happy to be corrected on that if I'm wrong.

I have registered my objection to part of the land being considered as a TVG on the basis of the short timescale it has been used as a cycle track. I am also aware that any objections to the children using the woodlands for such a purpose or for making dens would seem very mean.

I mentioned in a previous email the fact that there was a "Charlwood Gardens Residents Association Ltd" that was set up on completion of the estate and all residents were supposed to have a shareholding and the company was responsible for maintaining the estate. I don't know a lot about the arrangements but I notice that one of the comments about the use of the land mentioned the company. I somewhat tongue in cheek query whether because of the existence of this company that the residents did in fact have permission to use the land. The land being owned by the original developer I Ross Estates Ltd until about 2011 when my company bought the land. The key seems to be use without permission, whereas I would consider it use with deemed permission.

I have read the enquiry into the land at East Chilton and I shudder at the complexity of the enquiry and I also fail to understand the decision of why the TVG was rejected.

However returning to matters more relevant. If it was agreed that the woodland cycle track has not been used for the required 20 years, it raises the question - can the panel decide that part of the land is a TVG and part of it is not, or does the panel reject the application on the basis that not all the land has been used as required by the Act, therefore the application should fail. I have no experience in this but perhaps you do?

I have never had any direct communication with Wivelsfield Parish Council although I understand they looked into purchasing the land, but it came to nothing.

The ideal position from my point of view is that the application be withdrawn, it would seem perfectly possible to re-apply at a later date. The other possibility is that there is some agreement between my Company and Wivelsfield Parish Council whereby I gift the land to them but have their support to develop the area where most of the trees are. I am not talking about any outrageous development but maybe for one house in the "cycle track area" whereby that house could maintain the trees which I know are a source of both pleasure and concern to local residents.

I haven't spoken to Katy (the Applicant), last time I spoke to her was as lockdown was just beginning and I think this application was not on her priority list at the time.

As things stand I can see that we are in for a very long period before any decision is made, and I want to try and sell the land, the price seems secondary at the moment.

Sorry for a somewhat long email. I wanted to send something and I wanted to stop thinking about what I might say. So here it is.

Yours sincerely
Kind regards

Richard Bunning
director 85 Sackville Road

Stephen Kisko

From: [REDACTED]
Sent: 19 May 2020 13:40
To: richard bunning
Subject: FW: APPLICATION 1363 FOR LAND AS VILLAGE GREEN (CHARLWOOD GARDENS BURGESS HILL)

Dear Mr Bunning

Thank you for your email.

Due to the COVID-19 pandemic, all ESCC staff are following government advice and are working from home wherever possible. This is inevitably affecting our day-to-day work. Some staff, including myself, are also taking on different roles within the Council to help keep vital services running during the difficult period. This is likely therefore to cause significant delays to the progress of some other work.

I acknowledge that you are trying to sell the land and that you feel this Application by local residents has thwarted that.

I have noted you object to the Application on the basis that it has been used in a short time as cycletrack, that you deem the use was with permission due to existence of the Charlwood Gardens Residents Association Ltd where the residents had a shareholding and responsibility for maintaining the estate.

I will need to look into the possibility of an Application succeeding in part as being honest I don't know the answer to that yet! I will need to share your objection with the Applicant in due course and am enquiring if you would like me to enquire about dedicating the green area as common land whilst removing the 'wooded' area from the Application so that you would be able to develop it, although that would depend also on planning permission that I am unable to comment on as not being in my remit.

Stay safe and well, kind regards

[REDACTED]
Legal Order Officer
Rights of Way & Countryside

[REDACTED] 0345 60 80 193
eastsussex.gov.uk/rightsofway
[Privacy statement](#)



Sent from my iPad

> On 11 Sep 2020, at 09:32, [REDACTED] wrote:

>

> Hi Tracey

> Unfortunately I have tested positive for Covid-19 so am unable to meet for at least 14 days I will be in touch after that time.

> Kind regards

>

> [REDACTED]

> Legal Order Officer

> Rights of Way & Countryside

>

> [REDACTED] 0345 60 80 193

> eastsussex.gov.uk/rightsofway

> Privacy statement

>

>

>

>

>

> -----Original Message-----

> From: [REDACTED]

> Sent: 04 September 2020 12:11

> To: TRACEY TAYLOR [REDACTED]

> Subject: RE: Charlwood gardens application for village green status

>

> Hello Tracey and Gillian

>

> I am on leave for a few days so will be in touch middle of next week to arrange a date. Are you able to scan through the documents you have to date ? no worries if not I can take photos when we meet.

> Kind regards

>

> [REDACTED]

> Legal Order Officer

> Rights of Way & Countryside

>

> [REDACTED] 0345 60 80 193

> eastsussex.gov.uk/rightsofway

> Privacy statement

>

>

>

>

>

> -----Original Message-----

> From: TRACEY TAYLOR [REDACTED]

> Sent: 04 September 2020 11:51

> To: [REDACTED]

> Subject: Charlwood gardens application for village green status

>

> Dear [REDACTED]

>

> Further to your email on the 28th July, we have had various conversations with the residents, as a result of which we now have copy documentation in connection with the Charlwood gardens Management company Ltd ie: Share certificates, certification of Dissolution.

> We also have confirmatory information regarding the lack of maintenance of various areas by the management company and this being done by the residents themselves, prior to the company Dissolution and continuing to this day, despite the change of ownership of the land.

> Regarding the continued community use of land, we have obtained further, supportive, information.

> We should greatly appreciate a meeting at your earliest convenience.

>

> Kind regards

> Tracey Taylor

> Gillian Hopkins

>

> Sent from my iPad

> This message is intended for the use of the addressee only and may

> contain confidential or privileged information. If you have received it in

> error please notify the sender and destroy it. You may not use it or copy

> it to anyone else.

>

> E-mail is not a secure communications medium. Please be aware of this

> when replying. All communications sent to or from the County Council

> may be subject to recording and/or monitoring in accordance with

> relevant legislation.

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> Although East Sussex County Council has taken steps to ensure that this

> e-mail and any attachments are virus free, we can take no responsibility

> if a virus is actually present and you are advised to ensure that the

> appropriate checks are made.

>

> You can visit our website at <https://www.eastsussex.gov.uk>

>

Stephen Kisko

From: [REDACTED]
Sent: 21 September 2020 17:00
To: [REDACTED]
Subject: FW: Charlwood gardens application for village green status

From: TRACEY TAYLOR [REDACTED]
Sent: 12 September 2020 12:17
To: [REDACTED]
Subject: Re: Charlwood gardens application for village green status

Hi [REDACTED]

Sorry to hear you have tested positive to Covid 19. I hope your symptoms are not making you too poorly?

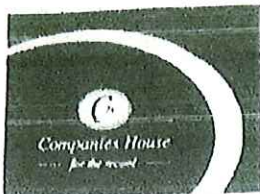
Thank you for your response and apart from the news of Covid we hope that you had a good Break.

We have attached a few of The documents we have obtained so far and look forward to hearing from you with possible dates of a site meeting. We are available from the 28th September onwards.

- * Companies Search showing dissolution of the management company & copy treasury Solicitor letter.
- * Pages from a report on Title
- * Timeline of the estate and Management company

We do have some statements from long standing residents. If you feel they could be of use, you can go through them at site meeting.

Kind regards
Tracey, Gillian & John



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We are full of phone numbers, mainly of calls from the public to Companies House. Please note that our telephone numbers will be closed on the 1st.

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[Help and guidance](#)

Please select

Please

Company Details

The WebCheck service is available from Monday to Saturday 7.00am to 12 Midnig UK Time

Name:

CHARLWOOD GARDENS MANAGEMENT COMPANY LIMITED
Company No. 01324337

Status: Dissolved 15/09/1987

Country of Origin: Company incorporated in England/Wales

Company details for the selected company have been archived from the service. Further information can be obtained by telephoning our Call Centre on 0870 3333636.

Tell Us

- Are you satisfied with c
- Have you got a questic

Previous Names:

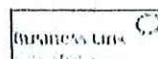
No previous name information has been recorded over the last 20 years.

[Return to search page](#)

[Top](#)

Contact Centre : 444 (0)870 33 33 636 available 08:30 to 18:00 (UK time)
 Email: enquiries@companies-house.gov.uk

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ADDITIONAL INFORMATION



THE TREASURY SOLICITOR (BV)

Queen Anne's Chambers
28 Broadway London SW1H 9JS

Telephones Direct Line 071-210 3236
BV Registry 071-210 3117/6

GTN 210
Fax No. 071-210-3104
DX No. 2318 Victoria

The Chief Land Registrar
Portsmouth District Land Registry
DX 83550
PORTSMOUTH 2

Please quote BV.3915/93/PFN

Your reference

Date 17 December 1993

For the attention of Mr Gill

Dear Sir

TITLE NO. ESX125556
70 CHARLWOOD GARDENS WIVELSFIELD LEWES EAST SUSSEX

I have been approached in connection with the above matter by Messrs Bunkers, Solicitors acting for the registered proprietor, Mrs M E Nason. My attention has been drawn to the Restriction contained in entry number 2 of the Proprietorship Register of the above title. This Restriction is in favour of Charlwood Gardens Management Company Limited. This company was dissolved on 15 September 1987. Accordingly, pursuant to Section 654 of the Companies Act 1985, its beneficial rights and assets have vested in the Crown as bona vacantia. The Treasury Solicitor is the Crown nominee for dealing with such assets. Please accept this letter as my confirmation to the effect that there is no objection on the part of the Crown to the removal of the Restriction.

Yours faithfully

P F NOCKLES
for the Treasury Solicitor

LAND REGISTRY TITLE

The Land Registry title is the government guaranteed title of the property, which you are proposing to buy. This is divided into three parts together with a filed plan showing the extent of the property on an ordnance survey plan. Please let me know, at once, if the plan does not seem accurate.

The property register gives details of the physical location by reference to the address – [redacted] Charlwood Gardens, Wivelsfield, Burgess Hill and garage and the filed plan. The property register refers to a Transfer dated 4 July 1980, a copy of which is enclosed. This document refers to rights enjoyed over the estate and in particular confirms a right of way over the area hatched green on the plan attached to the Transfer Deed with or without motor cars and other vehicles subject to paying a fair proportion towards the cost of maintaining and repairing the same. Obviously this right is also granted to other owners of properties on the estate for the purpose of accessing their own garages.

The Transfer Deed also includes a provision, which is common to many estate properties stating that you will not be entitled to any right or light, air or other easement other than is as expressly granted.

The property is freehold, registered at HM Land Registry under title number [redacted]

The proprietorship register confirms that the property is registered with title absolute and confirms that the registered proprietors are [redacted] and [redacted]
[redacted]

The proprietorship register contains a restriction in favour of Charlwood Gardens Management Company Limited. The restriction states that no transfer of the property by a registered proprietor may be registered unless the consent is given by or on behalf of Charlwood Gardens Management Company Limited. My investigations and enquiries have revealed that Charlwood Gardens Management Company Limited were dissolved on 15 September 1987. They are therefore unable to provide such consent. In circumstances such as these, it is necessary for the Treasury Solicitor who are the Crown Nominees for dealing with such matters to consent to the removal of such a restriction.

I have received a copy letter from the Treasury Solicitor dealing with number 70 Charlwood Gardens dated 17 December 1993 and had asked the sellers solicitors to provide an identical letter relating to this particular property. However, in an attempt to expedite matters, I have faxed Portsmouth District Land Registry for details of the circumstances and they have telephoned me today to confirm that we can proceed on the basis of the information I have provided them with and the restriction will be removed following completion of your purchase.

The charges register notes any matters which adversely affect the property, such as mortgages and restrictive covenants. Any mortgages currently registered will be removed when we register the title in your name. The charges register contains various

rights and easements, which would have been required at the time the development was created and one particular covenant states as follows:

1. That no property on the estate will at any time be used or allowed to be used for the trade or manufacture of brick works or allow any tiles or bricks to be burnt or made on the land.

In addition, the Transfer dated 4 July 1980 (referred to above contains some covenants in the Third Schedule numbered 1-7). Please would you read through those and let me know if you do not understand any or will be unable to comply with these. I would have expected reference to the covenants contained in this Transfer Deed to appear in the Charges Register but they do not.

TIME LINE OF CHARLWOOD GARDENS

Houses built approx. 1975/1980 by I. Ross (Estates) Limited
incorporated 23/08/1962:
Dissolved 24/02/2015.

Maintenance of Charlwood Gardens was by £1 share membership to
Charlwood Gardens Management Company Limited.
They had to pay an annual fee to keep the area 'clean, neat and tidy',
including grass cutting, tree maintenance and the steps.

Collection of monies chaotic. Maintenance stopped - residents rebelled.

Management Company dissolved 15/09/1987.
Although no one seemed to know!

Estate 'lands' sold several times since 2011

Residents maintained the grass areas and cleared rubbish - some of it
highly dangerous - themselves almost from the start.

The steps did get maintained (eventually) by the Management
Company - once.

They were maintained again by a resident 25 yrs ago.

Early 1990's: 3 neighbours attended a meeting with the solicitors
representing the Management Company. Solicitor said "as no funds has
been collected to maintain the association nothing further could be
done".

Bluesky Properties Estates Ltd
Winston House
349 Regents Park Road
London
N3 1DH

THIS COMMUNICATION AFFECTS YOUR PROPERTY

Thursday 29 June 2023

When responding please contact
Stephen Kisko
[REDACTED]; 0345 6080193
stephen.kisko@eastsussex.gov.uk

our ref:
RWO/TVG/1363

Your ref:

Dear Sir/Madam

In respect of Land Registry title number: ESX408380
Being land at Charlwood Gardens, Burgess Hill

Commons Act 2006
Application to register land as a new town or village green
Land near to Charlwood Gardens, known as The Green & The Woods, RH15 0RD

The County Council as registration authority has received an application to register land as a Town or Village Green (TVG) pursuant to s15 Commons Act 2006 and the Commons (Registration of Town or Village Greens (England) Regulations 2014.

It has come to my attention since the application was made in 2019 that you have subsequently become a landowner of part of the affected land, in respect of the Land Registry details given above. It appears to me that you are now the current landowner of the part of the application referred to as 'The Green'.

Pursuant to regulation 5(1)(a) the registration authority is obliged to give notice to every person whom the registration authority has a reason to believe to be an owner, lessee, tenant or occupier of the land affected by the application. Accordingly, as the registered landowner (copy enclosed for your ease of reference) I hereby serve Notice of the Application, please find enclosed a copy of the Notice which was advertised in the local press on 13 March 2020.

A copy of the application and supporting evidence for your consideration can be found online on our website at the following webpage:

<https://www.eastsussex.gov.uk/community/local-information/towns-villages-local-land/town-and-village-greens/current-applications>

If you have problems with finding or viewing this information or require it in a different format, please let me know.

However, for ease of reference I enclose a copy of the application form and map.

As landowner you have the opportunity to register the land as a TVG, below I set out the Law:

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.

The effect of registering land as TVG means that the residents of the locality will have the right to use the land for lawful sports and pastimes and the piece of land would be recorded in the legal document known as the Register of Town and Village Greens. There is no provision in law regarding maintenance of Village Greens and there is no obligation on the landowner to maintain the village green. When land is registered as a TVG, the ownership of the land does not change as it is solely for the recording of recreational rights over the land in question. Further information can be found on DEFRA website at:

www.gov.uk/common-land-management-protection-and-registering-to-use#commons-registration

Should you not wish to voluntarily register the land as a TVG the Council is obliged to process the Application as it stands. The application is nearing the end of the process, but I need to consult with you as you are one of the current landowners, before I finalise my report.

This process has involved so far:

- An advert in the local press and on site allowing a period of six weeks for any objections/representations to be made.
- Any objections/representations will be sent to the applicant for comment.
- The Application will be carefully considered by the Council and legal advice may be sought if needed.
- A Report will be produced and presented to the Council's Town and Village Green Panel.

There would be three possible outcomes of the Panel;

1. Application accepted and land registered as a TVG.
2. Application referred to a Public Inquiry for further consideration, where an independent Inspector will make a recommendation which would then go back to the Council's TVG Panel for a determination to be made: or
3. Application rejected and not registered as a TVG.

I would be grateful if you could respond with 28 days of this letter. Should no response be forthcoming then the Application will be processed as described above.

Should you wish to discuss any of the above please do not hesitate to contact me.

Yours faithfully



Stephen Kisko

Senior Definitive Map Officer

 0345 6080193

Stephen.kisko@eastsussex.gov.uk

Rights of Way Map

An online Rights of Way Map showing footpaths and bridleways across the County is available on the East Sussex website at the following address:

<https://www.eastsussex.gov.uk/leisureandtourism/countryside/rightsofway/map/>

The map can be used to plan walks and rides on the Rights of Way network. It also provides the location and reference number of stiles, gates and bridges, as well as path numbers.

Privacy

Please visit our website for information on how we can manage personal information:

www.eastsussex.gov.uk/privacy/rights-of-way-and-countryside

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