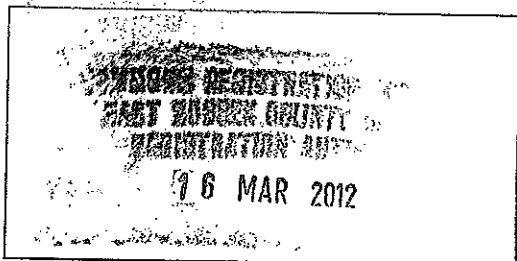


Commons Act 2006: Section 15

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

Official stamp of registration authority indicating valid date of receipt:



Application number:

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

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

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

**1. Registration Authority**

To the

EAST SUSSEX COUNTY COUNCIL  
COUNTY HALL  
ST ANNE'S CRESCENT  
LEWES  
EAST SUSSEX BN7 1UE

**Note 1**

Insert name of registration authority.



**Note 4**

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

*\* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

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

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

Application made under **section 15(8)**:

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

**Section 15(2)** applies:

**Section 15(3)** applies:

**Section 15(4)** applies:

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

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

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

Name by which usually known:

THE SWINGS OR THE GREEN

Location:

LAND AT THE CORNER OF HARLEY SHUTE ROAD AND EDINBURGH ROAD, ST LEONARDS ON SEA

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:

CENTRAL SECTION OF WEST ST LEONARDS WARD  
EXHIBIT B

Tick here if map attached:

**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.

## 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 LAND HAS BEEN USED BY THE INHABITANTS OF THE LOCALITY AS DESCRIBED AND SET OUT IN SECTION 6 ABOVE FOR A PERIOD OF 41 YEARS FROM 2ND JUNE 1950 UNTIL THE CURRENT DATE (AND CONTINUES TO DO SO) FOR LAWFUL SPORTS AND PASTIMES, WHICH ARE SET OUT IN GREATER DETAIL WITHIN THE ACCOMPANYING STATEMENT (APPENDIX 1) AND SUPPORTING EVIDENCE, AS OF RIGHT AND IN THE BELIEVE THAT THE LAND WAS AND IS A VILLAGE GREEN FOR THE PURPOSES OF PRESCRIPTION OBTAINED AT COMMON LAW AND OF THE RELEVANT ACT AND REGULATIONS.

A SIGNIFICANT NUMBER OF THE INHABITANTS BOTH PAST AND PRESENT HAVE USED THE VILLAGE GREEN FOR A RANGE OF SPORTS AND PASTIMES WHICH ARE SET OUT IN BRIEF WITHIN THE SCHEDULE ATTACHED AT EXHIBIT H TO THIS APPLICATION.

THE APPLICANT AND OTHERS WILL AND DO AVER THAT THEY HAVE USED THE LAND AS A VILLAGE GREEN AS OF RIGHT WITHOUT LET OR HINDRANCE.

IN RELATION TO THE LOCALITY THEN REFERENCE SHOULD BE HAD TO THE COMMENTS OF LORD HOFFMAN IN OXFORDSHIRE COUNTY COUNCIL V OXFORD CITY COUNCIL WHERE HE STATED THAT LOCALITY SHOULD BE VIEWED AS LOCALITIES, AND THEREFORE WHERE THE CATCHMENT ZONE OF THE LOCALITY APPEARS TO REFER TO MORE THAN ONE DEFINED LOCALITY THEN IT SHOULD AND DOES INTEND TO BE A REFERENCE TO LOCALITIES.

AS SUCH THE APPLICANT BELIEVES THAT ALL RELEVANT CRITERIA REQUIRED TO BE DEMONSTRATED IN ORDER FOR THE LAND TO BE ENTERED IN THE REGISTER OF VILLAGE GREEN HAS BEEN MET.

**Note 8**

Please use a separate sheet if necessary.

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

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

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

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

AMICUS HORIZON LIMITED  
GROSVENOR HOUSE,  
125 HIGH STREET,  
CROYDON  
CR0 9XP

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

**Note 9**

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

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

**10. Supporting documentation**

SEE ATTACHED LIST OF SUPPORTING DOCUMENTS  
APPENDIX A SECTION 1

**Note 10**

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

Please use a separate sheet if necessary.

**Note 11**

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

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

AT THE BEGINNING OF NOVEMBER AMICUS HORIZON (OWNERS OF THE LAND) ADVISED LOCAL RESIDENTS OF THEIR INTENTION TO DEVELOP THE LAND FOR HOUSING. HOWEVER, LOCAL RESIDENTS HAVE RECENTLY BEEN ADVISED THAT THIS DEVELOPMENT IS CURRENTLY NOT IN THEIR 3 YEAR PLAN FOR 2012 - 2015.

**Note 12**

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

Date:

*P Jones* 9/3/12

Signatures:

*P Jones*

**REMINDER TO APPLICANT**

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

**Data Protection Act 1998**

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

## Statutory Declaration In Support

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

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

I, PETER COLIN JONES, solemnly and sincerely declare as follows:—

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

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

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

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

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

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

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

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

Cont/



<sup>4</sup> 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 PETER COLIN JONES )

at ST LEONARDS ON SEA )

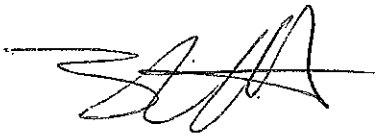
this 9<sup>TH</sup> day of MARCH 2012 )

*P. Jones*

Signature of Declarant

Before me \*

Signature:



Address: 50 Glenleigh Park Road  
Bexhill-on-Sea  
East Sussex TN39 4EE

Qualification:

Justice of the Peace.

\* 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

## APPENDIX A

### VILLAGE GREEN REGISTRATION

### LAND AT THE CORNER OF HARLEY SHUTE ROAD AND EDINBURGH ROAD

### INFORMATION NOTES FOR INCLUSION IN FORM 44

#### List of attached documents Section 10

Appendix '1' Additional information unable to be included within the application form due to space restraints.

Exhibit A: Map of Village Green site shaded red

Exhibit B: Map of locality – West St Leonards Ward

Exhibit C: Map of locality supporting Evidence Questionnaire

Exhibit D: Map of Village Green from Google Earth

Exhibit E: Land Registry Official copy of register of title

Exhibit F: Copy of Restrictive Covenant

Exhibit G: Copy letter from East Sussex County Council 1980

Exhibit H: Schedule of broad use of Village Green

Exhibit J: Schedule of Village Green Questionnaires

Exhibit K: Copy photos of local resident using the playground

## APPENDIX 1

Additional information unable to be included within the application form due to space restraints.

### **Background**

The land in question was originally transferred by the Kite family (owners of Filsham Farmhouse) to Hastings Borough Council in 1950 with a restrictive covenant (exhibit F) attached to the land.

The covenant was made by the Kite family with all best intentions to the local community for use as a public open space or park and free from any buildings or erections. This use has been respected by Hastings Borough Council and East Sussex County Council.

A copy of the Land Registry title (exhibit E – page 6 charges register Nos 1 & 2) shows the covenant remains in force.

A copy of the Land Registry map of the village green (exhibit A) shows the Playground area clearly marked.

A letter in 1980 from East Sussex County Council to the executors (exhibit G) recognised and respected the covenant when asking for permission regarding the proposed of hardening footway facilities over the land. The original letter is held by Mr Jon Green the current owner of Filsham Farmhouse.

### **Current Position**

Since the transfer of this land to Hastings Borough Council and then Amicus Horizon the land has been used as a childrens playground and recreational area and continues to be used in this way. 42 Evidence Questionnaires are enclosed (exhibit J) which shows the use of the land (exhibit H). 41 of the Evidence Questionnaires are from residents who live within 500 yards of the land with the other questionnaire completed by the local councillor for West St Leonards Ward. Copy photos by local resident Brenda Wadey of 53 William Road of her family using the playground are enclosed (exhibit K). The original photos are held by Brenda Wadey.

The Google Earth photo (exhibit D) also shows the playground area and recreational area.

This land is the only public recreational space in this area of West St Leonards Ward. There are 3 schools within 100 yards of the land (West St Leonards Primary School, Saxon Mount and St Leonards Academy) and the playground and recreational area is a busy meeting place for children and their parents. Over the past few years the playground equipment consisting of swings, slide, seesaw, rocking horse and roundabout have been removed. Enquiries by residents to Hastings Borough Council over their removal were advised this was under Health and Safety grounds.

At the beginning of November Amicus Horizon advised local residents of their intention to develop the land for housing. However, local residents have recently been advised that this development is currently not in their 3 year plan for 2012 – 2015.