

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

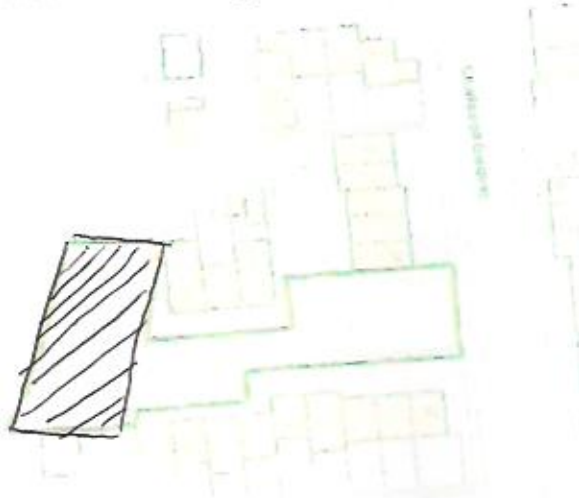
To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

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: 12 March 2020

Philip Baker, Assistant Chief Executive, East Sussex County Council, County Hall Lewes, BN7 1UE

Stephen Kisko

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](#)

