

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date of Decision:	29 September 2010
Title:	Application for registration of land at Dummer Village as town or village green (Application No. TVG 253)
Reference:	2072
Report From:	Director of Culture, Communities and Rural Affairs

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1) Executive Summary:

- 1.1. Hampshire County Council is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. An application has been made by of for the registration of land at Dummer Village as a town or village green. This is an application for voluntary registration, as the applicants are also the landowners. The Registration Authority is required to grant the application if certain conditions are met. Those conditions appear to be met and so Members are invited to approve the application for registration.
- 1.2. The purpose of this report is to seek the acceptance of the application to register the land shown edged red on the plan annexed, known as Dummer Village Pond, as town or village green ('the Red Land').

2) Legal framework for the decision:

2.1. S.15 COMMONS ACT 2006

Registration of greens:

s.15(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

s.15(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any charge over, the land

2.2 THE COMMONS (REGISTRATION OF TOWN OR VILLAGE GREENS) (INTERIM ARRANGEMENTS) (ENGLAND AND WALES) REGULATIONS 2007

Procedure in relation to application to which section 15(8) of the 2006 Act

applies

7. Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that

- (a) the applicant is the owner of the land; and
- (b) any consents which are required by section 15(9) of the 2006 Act have been obtained

3) Applicant: Dummer Parish Council, c/o Julian Jones (Chairman), Oldwell House, Up Street, Dummer, Basingstoke, RG25 2AJ

4) Landowners: Dummer Parish Council, with title possessory under title number HP 726380.

5) Description of the land (please refer to the map attached to this report):

5.1 The land which is the subject of the application ('the Land') is shown edged blue on the plan annexed to this report (Appendix 1). It consists of approximately 0.1 acres (0.04 hectares) of land, is triangular in shape, and has a frontage to Up Street. It also abuts two properties, 'Viewforth' and 'Pond Cottage' on the north of Up Street. The land is comprised in the registered title number HP 726380.

6) The application:

6.1 The application was received on 24th May, 2010. It states that the Parish Council of Dummer wishes to register the Land as town or village green on a voluntary basis. The application is "duly made" for the purposes of the Commons Act 2006. The application is accompanied by a map identifying the parish boundary, and registered title documents supplied by the Land Registry. These documents are appended as Appendix 2 to this Report.

6.2 For land to be registered voluntarily as town or village green, it is necessary under section 15(9) that the consent of any leaseholder or proprietor of any charge over the land should be obtained. Further, the requirements of Regulation 7 of the 'Commons (Registration of Town or Village Greens) (Interim Arrangements) (England and Wales) Regulations 2007 ('the Regulations') should be satisfied in that the applicant should be owner of the land, and that the necessary consents under section 15(9) should have been obtained.

7) Issues to be decided:

7.1 Members are asked to agree to the registration of Dummer Village Pond, the blue land, as town or village green. As it is a voluntary registration, the Registration Authority is required to accept the application and register the land, provided that the consent of any relevant lessee or mortgagee is first obtained. As there are, in fact, no lessees or mortgagees of the blue land, this requirement is fulfilled and the obligation to grant the application and register the blue land as town or village green arises.

8) Other Matters:

- 8.1 The title supplied by the Land Registry for this land indicates that it is held with a possessory title, rather than title absolute. Officers have sought legal advice, and are advised that a possessory title is adequate to allow the voluntary registration of this land as town or village green.
- 8.2 The bulk of the land that is the subject of this application consists of water, being Dummer village pond. There is nothing in the Regulations that defines what land to be registered as town or village green should be, and 'land' may be covered by water (section 61(1) of the Commons Act). A 'lawful sport or pastime' includes any activity that can properly be called a sport or pastime, such as sailing model boats.

9) Recommendation

- 9.1 That the application to register voluntarily land shown edged red on the attached plan as a town or village green be accepted.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:

Links to the Corporate Strategy

	Yes	No
Hampshire safer and more secure for all	<input type="checkbox"/>	<input type="checkbox"/>
Maximising well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enhancing our quality of place	<input type="checkbox"/>	<input type="checkbox"/>

OR

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the County Council, in its capacity as Commons Registration authority has a legal duty to amend the register of towns and village greens in the circumstances described in this report.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report.

(NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

(Quote list of documents here: e.g. list the relevant letters, memos, etc. and their location)

<u>Document</u>	<u>Location</u>
File: VG 253	Countryside Access Team Room 200 Mottisfont Court High Street Winchester SO23 8ZF