

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	30 June 2010
<b>Title:</b>	Application for registration of land forming the site of a disused railway line between Wych Lane in Gosport and Redlands Lane in Fareham as town or village green (Application No. TVG 249)
<b>Reference:</b>	1757
<b>Report From:</b>	Director of Culture, Communities and Rural Affairs

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#### 1) Summary

- 1.1. Hampshire County Council is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. An application was made by Mrs Kathleen Goodwin of 106 Woodside, Gosport for the registration of land forming the site of a disused railway line between Wych Lane in Gosport and Redlands Lane in Fareham as a town or village green edged red on the attached plane (Appendix 1). The landowner objected to the application.
- 1.2. On 11 February 2010, the Committee resolved that a non-statutory public inquiry be held.
- 1.3. That inquiry has taken place and the Inspector appointed to preside (Mr V Chapman, QC) has prepared his Report which is dated 19 May 2010 and may be found at Appendix 2.
- 1.4. Following circulation of the Report to the parties to the inquiry, the applicant, through her advocate, requested the opportunity to make further submissions in recent of recent case law in the Administrative Court. That request was granted and submissions duly made. The Inspector was asked to advise on these further submissions and his Second Report dated 29 May 2010 may be found at Appendix 3.
- 1.5. The Inspector's recommendation to the Registration Authority is that the application be refused and, accordingly, the recommendation of this report is that the application be rejected.

## **2) The Inspector's Report**

- 2.1. The Inspector's Report of 19 May 2010 sets out in some detail the application; the applicable law; and a discussion of the evidence that he received at the public inquiry – see Appendix 2.
- 2.2. A number of procedural applications were dealt with at the inquiry and it is recommended at paragraph 211 of the Report dated 19 May 2010 that the Registration Authority accedes to the following procedural applications -
  - i) the applicant's application to extend the claimed neighbourhood to include 5, Dale Drive;
  - ii) the applicant's application to identify the claimed locality as the ecclesiastical parish of Bridgemary;
  - iii) an application by Mr Lidgey to be joined as co-applicant;
  - iv) an application by Gosport Borough Council to make a late objection.
- 2.3. The substantive recommendation of the Report dated 19 May 2010 however is that the application to register land forming the site of a disused railway line between Wych Lane in Gosport and Redlands Lane in Fareham as a town or village green should be rejected – see paragraph 210 on page 63 of the Report.
- 2.4. The Inspector's Second Report considered the further submissions made on behalf of the applicant, but concludes that these submissions do not affect the recommendations made in the Report dated 19 May 2010.

## **3) Recommendation:**

- 3.1. That the procedural applications laid out in paragraph 2.2 of this report be accepted.
- 3.2. That the application made under s15(3) of the Commons Act 2006 to register land forming the site of a disused railway line between Wych Lane in Gosport and Redlands Lane in Fareham as a town or village green should be rejected for the reasons set out in the Inspector's Report dated 19 May 2010 and Second Report dated 29 May 2010.

**CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:**

**Links to the Corporate Strategy**

	Yes	No
Hampshire safer and more secure for all		✓
Maximising well-being		✓
Enhancing our quality of place		✓

**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)*

Document

Files: VG 249

Location

Chief Executive's Department (Legal Services)  
Room 157  
E II South  
The Castle  
Winchester