

**BROXBOURNE DISTRICT**

**APPLICATION FOR THE REGISTRATION OF LAND AT GOFFS OAK AS A  
TOWN OR VILLAGE GREEN**

*Report of the Director of Environment*

Author: Sean Hanratty  
Tel: 01992 555232

Local Member: Michael Janes

**1. Purpose of the Report**

- 1.1 To inform members of the committee of an application to register land at Goffs Oak, Broxbourne, as a town or village green.
- 1.2 To inform members of the findings and recommendations of an independent inspector following a non-statutory local inquiry.
- 1.3 To ask members to decide whether to accept or reject the registration.

**2. Summary**

- 2.1 An application to register land at Goffs Oak, Broxbourne as a town or village green, was formally received by Hertfordshire County Council on 29 August 2001 from Mr Dennis Tillbrook of 47 Jones Road, Goffs Oak, Broxbourne. (See map of application area attached at Appendix 1).
- 2.2 The application has been processed by the Environment Department on behalf of the County Council as Registration Authority, in accordance with the Commons Registration Act 1965.
- 2.3 The land is owned by Hertfordshire County Council who lodged an objection to the application on 13 December 2001.
- 2.4 Following the necessary gathering and exchange of information, it was decided that the evidence should be considered at a non-statutory public inquiry. The inquiry was held at Broxbourne Borough Council Offices on 24, 26, and 27 September 2002. The independent inspector

appointed by the County Council was Mr Edwin Simpson, a barrister experienced in this area of law.

- 2.5 Mr Simpson's report states that the application should be accepted. A full copy of the report is attached at Appendix 2.

### **3. Conclusions**

- 3.1 The report concludes that the Director of Environment should be authorised to register the land at Goffs Oak as a town or village green for the reasons set out in the Inspector's report dated 15 January 2003.

## **1. Background**

- 1.1 The land which is the subject of this application consists of two level fields, the boundary of which is demarcated by hedging or fencing, and in most cases both. Between the two fields there is an intermittent, but nevertheless substantial hedge. To the north the fields are bounded by Woodside Junior Mixed and Infant School, to the west by Jones Road, to the south by Silver Street, and to the east by a field known to some of the inhabitants of the area as “the Bottom Field” (see map attached at Appendix 1).
- 1.2 Hertfordshire County Council completed the acquisition of 16.417 acres of land east of Jones Road and north of Silver Street by way of three separate transactions between December 1964 and February 1966. The Council acquired a further 9.1 acres of land east of Jones Road, but to the south of Silver Street, in November 1971. All of these purchases were made by the Council in exercise of its statutory powers under the Education Acts 1944-1964. In 1972 the County Council built the Woodside JMI School to the north of the land, with the remainder of the land held in reserve for a possible secondary school which has not been pursued.

## **2. The Process**

- 2.1 A town or village green is defined in section 98 of the Countryside and Rights of Way Act 2000 as;  
  
“land on which for not less than twenty years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, and either (a) continue to do so, or (b) have ceased to do so for not more than such period as may be prescribed, or determined in accordance with the prescribed provisions”.
- 2.2 As yet no regulations have been made to implement paragraph (b) of this definition.
- 2.3 Applications to register towns or village greens are made to Hertfordshire County Council who are the Registration Authority for Hertfordshire under the Commons Registration Act 1965.
- 2.4 The initial procedure for dealing with such applications is laid down in the Commons Registration (New Land) Regulations 1969.
- 2.5 The determination of the application must be based on whether there is evidence supporting the application that shows a town or village green has come into existence and should therefore be registered.

- 2.6 If the County Council decides that the land in question meets the requirement of the above definition, it must register the land. However there is no statutory procedure for making decisions on applications.
- 2.7 To determine applications the Registration Authority may appoint an independent inspector to hold a non-statutory inquiry to hear the evidence for and against the application, and to make a report with recommendations based on that evidence and its interpretation in the light of case law.
- 2.8 There is no statutory right of appeal to the First Secretary of State against the County Council's decision and the only challenge to a decision made by this Committee would be through the process of judicial review of the procedure and process that have been applied to the determination.

### **3. Application**

- 3.1 The application dated 26 August 2001, was made by Mr Dennis Tillbrook to Hertfordshire County Council as the Registration Authority.
- 3.2 The application is supported by over 250 written statements and evidence questionnaires from local people describing the recreational activities they have enjoyed over the land and the periods of time those activities have taken place. Copies of these statements are available for members of the committee and interested members of the public to view at County Hall by prior appointment. Appointments should be made with Sean Hanratty on the telephone number at the head of this report.
- 3.3 The procedures were followed by the applicant for making the application, and by the County Council for the notification of interested parties and advertising the application.
- 3.4 One objection was received from Hertfordshire County Council on the basis that the land had not been used "as of right" and that the evidence submitted by the applicant did not establish use by a significant number of the inhabitants of the locality.
- 3.5 Once all the information requested from both parties had been received by the County Council, officers of the County Council, as Registration Authority, concluded that a non-statutory public inquiry should be held.
- 3.6 Mr Edwin Simpson was appointed by the County Council as an independent inspector and an inquiry was held on 24, 26 and 27 September 2002 at Broxbourne Borough Council Offices.

#### **4. Conclusion**

4.1 Mr Simpson's report is attached at Appendix 2. He concludes that the application for registration of the land as a village green should be accepted for the following reasons:

- (1) The use made of the playing fields has been for lawful sports and pastimes;
- (2) It has taken place throughout the 20 year period from August 1981 to August 2001 without interruption;
- (3) The users have come from a neighbourhood (the built up area of Goffs Oak) within a sufficiently defined locality (the Goffs Oak Ward of Broxbourne Borough Council); and
- (4) The user has throughout been "as of right"; it was neither contentious use, nor was it impliedly, still less expressly, permitted by the landowner.

4.2 This report concludes that the Director of Environment should be authorised to register the land at Goffs Oak as a town or village green for the reasons set out in the Inspector's report dated 15 January 2003.

#### **5. Financial Implications**

5.1 The finance that has been required to process this application has been sourced from existing County Council budgets.

5.2 However, should the applicant seek judicial review of the procedures and processes that have been used by the Registration Authority in determining this application such review procedures could incur costs for the Registration Authority that may not be covered by existing budgets.

#### **Background information used by the author in compiling this report**

*Commons Registration Act 1965*  
*Commons Registration (New Land) Regulations 1969*  
*Report of Mr Edwin Simpson of 15 January 2003*  
*Countryside and Rights of Way Act 2000*

If you require any further information on the items referred to in this report, please telephone Sean Hanratty on 01992 555232