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HERTFORDSHIRE COUNTY COUNCIL



RIGHTS OF WAY UNIT

**APPLICATION TO REGISTER LAND AT LITTLE  
WYMONDLEY AS A TOWN OR VILLAGE GREEN**

**DECISION REPORT**

Officer Carole Young, Definitive Map Officer

Date 30 June 2004

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## **1. The Legislation**

Section 13 of the Commons Registration Act 1965 requires Hertfordshire County Council as the Commons Registration Authority to amend the statutory register where “any land becomes a town or village green.” The meaning of a “town or village green” as applied for in this case can be defined as “land on which the inhabitants of any locality have indulged in lawful sports and pastimes as of right for not less than twenty years (s22 of the Commons Registration Act 1965). This definition was amended by s98 of the Countryside and Rights of Way Act 2000 so that land can also become a town or village green “if it is 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.”

## **2. The Application**

On 20 July 2000 an application was made to Hertfordshire County Council to register three parcels of land in Little Wymondley as land that had become town or village green by virtue of the land being used by the local inhabitants for lawful sports and pastimes as of right (without force, stealth, secrecy or by permission) for not less than twenty years.

## **3. The Applicant**

The applicant is Maurice Bullard of 3 Bladon Close, Little Wymondley, Hertfordshire who submitted the application on behalf of Wymondley Parish Council. He signed the application form and made the supporting statutory declaration on 20 July 2000.

## **4. The Application Site**

The land claimed consists of two parcels of land marked B and C (appendix 2) situated to the west and east of Siccut Road, just off Stevenage Road and one parcel of land marked D (appendix 2) situated to the north-east of Tower Close, just off Stevenage Road the (the lettering is taken from the lettering used in the application documents).

All three parcels of land are grassy spaces which are open, easily accessible and available for use.

## 5. The Evidence

### User 1

This user has known the land off Tower Close (marked D) since 1918 and has used it for 77 years from 1920 to 1997. They have used the land for many sports, dog walking, children playing and many community celebrations such as bonfire parties and tug of war. They have observed their own and other people's children playing over this period of time and have observed other people taking part in community celebrations such as carol singing and bonfire parties, dog walking, football, cricket and bicycle riding.

### User 2

This user has known the land off Tower Close (marked D) since 1933 and has used it for 13 years from 1933 to 1946. They have used the land for ball games and bonfire parties. They have observed the land being used for rounders and other team games, by children playing, for dog walking, kite flying, bicycle riding and community celebrations such as carol singing and bonfire parties.

### User 3

This user has known the land off Tower Close (marked D) since 1936. They have observed the land being used by children playing.

### User 4

This user has known all the land claimed since 1927. They have been using the land since 1942 but moved out of the area between 1968 and 1980. They have used the land for walking and for leisure. They have observed the land being used for dog walking, by children playing, for picking blackberries, football, cricket, walking, bicycle riding and community celebrations such as carol singing and bonfire parties. This user has also provided a signed statement:

*"As a child I used the land at the bottom of Tower Close almost daily as a meeting place and to play on. There were yearly bonfire celebrations on that land.*

*As an adult I have used the land at the bottom of Siccut Road for carol singing, playing with my own children."*

### User 5

This user has known all the land claimed since 1940. They have been using the land since 1942 but moved out of the area between 1968 and 1980. They have used the land for walking and for leisure. They have observed the land being used for dog walking, by children playing, for picking blackberries, for team games such as football, for picnicking, kite flying, walking, bicycle riding and community celebrations such as carol singing and bonfire parties.

**User 6**

This user has known the land off Tower Close (marked D) since 1941 and has used it since 1946. They have used the land for walking across and taking part in games and fetes. They have observed the land being used for dog walking, children playing, fetes, picnics and bonfire parties.

This user has also provided a signed statement:

*"I have used this land at the bottom of Tower Close as a child for bonfires and playing games. I still use it for walking on."*

**User 7**

This user has known the land off Tower Close (marked D) since 1947 and has used it since 1950. They have used the land for grazing horses, going to feed the horses, jumble sales and bonfire night. They have observed the land being used by children playing, for rounders, drawing and painting, dog walking, community celebrations such as carol singing, maypole dancing and bonfire parties, fetes, football, cricket, picnicking, kite flying, walking and bicycle riding.

This user had also provided a signed statement:

*"I have used this piece of land (at the bottom of Tower Close) for the past 25 years. I have used it for exercising horses and dogs and playing with these with the children."*

**Due to a discrepancy between this statement and the period of use given in the questionnaire, this user has provided some additional information to clarify the point.**

*"25 year period stated above was in fact incorrect and an error on my part. I have used the land since 1950 from when I was a child, in the early days I used the green for many children's games and activities."*

**User 8**

This user has known all the land claimed since 1952 and has used it from this time for walking, leisure, ball games and bonfire parties on areas C and D. They have also observed the land being used by children playing, for rounders dog walking, team games such as football and cricket, picnicking, kite flying, walking, bonfire parties, bicycle riding and carol singing.

This user has also provided a signed statement:

*"I have lived in Little Wymondley for 48 years. During that time I have taken part in ball games and general leisure activities on greens marked B,C and D on the plan. I have also observed others in the village playing games and dog walking on the said greens. I would also say that I have taken part in Nov 5<sup>th</sup> bonfire night celebrations on the green marked D."*

**User 9**

This user has known all the land claimed since 1953 and has used land at Tower Close from 1950 to 1968 and land at Sicut Road since 1972. They have used the land for playing football, rounders and general games. They have observed the land being used by children playing, for team games such as rounders, football and cricket, for dog walking, picnicking, kite flying, bonfire parties and bicycle riding.

**User 10**

This user has known all the land claimed since 1953. They and their immediate family have used it from this time for walking, children playing, carol singing, bonfire parties, walking dogs and playing games. They have observed the land being used by children playing, for dog walking, community celebrations such as carol singing and bonfire parties, football, cricket and walking.

**User 11**

This user has known all the land claimed since 1954. They have used the land for exercise and their great grandchildren now play ball games. They have observed the land being used by children playing, for dog walking, bicycle riding and community celebrations such as carol singing and bonfire parties, football, cricket and walking.

**User 12**

This user has known the land claimed since 1953 and used it from 1956 to 1980. They have used the land to play games with children. They have also observed the land being used by children playing, for rounders, dog walking, blackberry picking, football, cricket, kite flying, people walking and for community celebrations such as bonfire parties.

**User 13**

This user has known the land off Tower Close (marked D) since October 1965. They and their immediate family have used the land daily for playing on. They have observed the land being used by children playing, for dog walking, rounders, team games such as football, walking, bicycle riding and carol singing. This user has also provided as signed statement:

*"I was born in the village in 1965 and the land has always been used for children to play on. Firstly when the main green in Tower Close was used as an allotment and since this has been converted to a green and no ball games are allowed, the children of the village play many kinds of ball games.*

*It is also used as a social meeting place for children and is regularly used by dog owners to exercise their dogs. It is also a safe environment for children to play – away from the road."*

**User 14**

This user has known all the land claimed since 1972 and has used it from 1974 to 1985. They use the land for walking for leisure and bonfire night. Their immediate family use the land for playing on. They have observed the land being used by children playing, for dog walking, team games such as football and cricket, bicycle riding and community celebrations such as bonfire night.

This user has also provided as signed statement:

*“ I have lived in Little Wymondley for twenty-eight years. During this period I have used greens B,C and D for leisure and access and have taken part in bonfire night on green D. As far as green D is concerned my family has used this land for playing football and cricket. I have observed during this period children playing games, dog walking, walking for leisure continually.”*

**User 15**

This user has known the land off Tower Close (marked D) since 1974. They have used the land daily for dog walking. They have observed the land being used by children playing, for dog walking, ball games such as football, bicycle riding, horse riding, carol singing and for bonfire parties.

This user has also provided as signed statement:

*“My husband and I have been residents of Little Wymondley since 1974. During the last twenty-six years we have observed various activities taking place on the green – D opposite our house. Children playing ball games, bike riding, horse riding/grazing, youths meeting and dog walking, which we regularly use it for.*

*It is an area which we regard as a social part of village life benefiting the community, and it would be detrimental to us as villagers if it were no longer available for our use”.*

**User 16**

This user has known the land off Siccut Road since 1987. They have used the land 2-3 times a week for walking on. They have observed the land being used by children playing, people walking and for dog walking.

**User 17**

This user has known the land claimed since 1988. They have used it for playing games with their son – cricket and riding a small motorbike and their son has used it for playing football and rounders on. They have observed people using the land for walking dogs, riding bikes, children playing football, cricket, kite flying, walking and for general leisure.

**User 18**

This user has known the land off Tower Close (marked D) since 1990. They and their immediate family use the land 1-2 a week for playing football and cricket. They have observed the land being used by children for playing, dog walking, rounders,

picking blackberries, football, cricket, picnicking, kite flying, walking, bicycle riding and carol singing.

**User 19**

This user has known the land off Tower Close (marked D) since 1996. They and their immediate family have used the land daily as a children's play area. They have also observed the land being used by children for playing on, picking blackberries, football, kite flying, bicycle riding and walking.

This user has also provided as signed statement:

*"The piece of land in question was used by the children in the close to play. They would either ride bikes, play in groups and make camps. Since building work has taken place for a resident, the children have had limited access to this area.*

**User 20**

This user has known the land off Tower Close (marked D) since 1997. They and their immediate family have used the land daily to play with children. They have also observed the land being used by children for playing, dog walking, team games such as football, bicycle riding, walking and carol singing.

**6. Does the Land Meet the Tests?**

**20 Years Use by Residents from a Defined Locality**

The evidence supplied by local residents shows use of the land claimed for a period in excess of 20 years by residents from a specified area for lawful sports and pastimes – the activities which may create modern village greens include informal recreation such as walking a dog and playing with children.

**Without Force, Secrecy or Permission – 'nec vi, nec clam, nec precario'.**

The land has never been fenced or closed off in any way and the landowner has given no indication that the land was used against their will. Permission to use the land had never been sought and there has been no evidence that signs or notices have ever been displayed indicating that the land is not available for public use. No-one has claimed or provided evidence to show that the land was used secretly.

**7. Conclusion**

- ◆ The use of the land has been for lawful sports and pastimes
- ◆ it has taken place without interruption throughout the 20 year period claimed
- ◆ the users have come from a specified locality – Little Wymondley village
- ◆ the use of the land has been 'as of right' without force secrecy or permission.

**The land applied for meets the tests for a village green required by the Commons Registration Act 1965. It is therefore recommended that the land should be registered as village green.**