

**NORTH HERTFORDSHIRE DISTRICT**

**APPLICATION FOR THE REGISTRATION OF LAND AT LITTLE  
WYMONDLEY AS A TOWN OR VILLAGE GREEN**

*Report of the Director of Environment*

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**1. Purpose of the Report**

- 1.1 To inform members of the committee of an application to register land at Little Wymondley, North Hertfordshire, as a town or village green (appendix 1).
- 1.2 To refer members to the findings of the decision report attached (appendix 3).
- 1.3 To ask members to decide whether or not the land should be registered.

**2. Summary**

- 2.1 On 20 July 2000 an application was made to Hertfordshire County Council (HCC) as the Commons Registration Authority by Maurice Bullard on behalf of Wymondley Parish Council to register three parcels of land in Little Wymondley as town or village green. The land claimed consists of two parcels of land marked B and C situated to the west and east of Siccut Road, just off Stevenage Road and one parcel of land marked D situated to the north-east of Tower Close, just off Stevenage Road (appendix 2).
- 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 North Hertfordshire District Council who have made no objection to the application.

- 2.4 Twenty evidence questionnaires have been submitted by individuals detailing use of the land for lawful sports and pastimes for a period well in excess of twenty years.
- 2.5 Following the necessary gathering and exchange of information, an objection to the application was received from some of the residents of Sicut Road. However the objection offered no evidence to show that the tests required by the Commons Registration Act 1965, had not been met.
- 2.6 The evidence presented to support this application has been assembled in a decision report attached (appendix 3).

### **3. Conclusions**

- 3.1 The report concludes that the Director of Environment should be authorised to register the land at Little Wymondley as a town or village green for the reasons set out in the decision report (appendix 3).

## **1. Background**

- 1.1 The land which is the subject of this application consists of two parcels of land marked B and C, situated to the west and east of Sicut Road, just off Stevenage Road and one parcel of land marked D, situated to the north-east of Tower Close, just off Stevenage Road (see plan attached at appendix 2 – lettering follows that used in the application).
- 1.2 Plot B is a grassy area bounded by fencing on the west, houses on the north, the Ash Brook on the south but is open on the east. Plot C is also a grassy area bounded by fencing to the north, a substantial hedge to the east, the Ash Brook on the south but is open on the west. These two plots of land are separated by Sicut Road. Plot D is at the other end of the village. It is also a grassy area bounded by hedging to the north, fencing to the south and east but is open to the west.
- 1.3 All three plots of land are owned by North Hertfordshire District Council who have made no objection to the application.

## **2. The Process**

- 2.1 Applications to register land as a town or village green are processed by Hertfordshire County Council (Rights of Way Unit) as Registration Authority.
- 2.2 A town or village green is 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.
- 2.3 Land may be registered as a town or village green if it meets the tests set out in section 22 of the Commons Registration Act 1965. These are that the land has been used:
  - ◆ for a period of 20 years or more
  - ◆ as of right (without force, secrecy or permission)
  - ◆ by the inhabitants of a neighbourhood or locality
  - ◆ for lawful sports and pastimes.
- 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 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 20 July 2000, was made by Mr Maurice Bullard on behalf of Wymondley Parish Council to Hertfordshire County Council as the Registration Authority.
- 3.2 The application is supported by 20 evidence questionnaires from local people describing the recreational activities they have enjoyed over the land and the periods of time during which those activities have taken place. Copies of these questionnaires are available for members of the committee and interested members of the public to view at County Hall by prior appointment.
- 3.3 The appropriate 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 six of the residents of Siccut Road regarding the registration of plot C. The objection sent by these residents offered no evidence to show that the tests required by the Commons Registration Act 1965, had not been met. However they have experienced problems with large groups of teenagers playing on the green and were concerned that registering the land as a village green would make matters worse by encouraging youngsters to gather in the area. The County Council has been in correspondence with these residents and has suggested that the local police and/or District Council may be able to assist in this matter.
- 3.5 The objectors have been advised of the legal background to registration of village greens, and have been given an explanation of their right to participate in this Development Control Committee Meeting. They have not indicated their intention to attend or make representations.

#### **4. Conclusion**

4.1 The decision report compiled by the Rights of Way Unit is attached at appendix 3. It concludes that the application for registration of the land in Little Wymondley as village green meets the tests required by the Commons Registration Act 1965 for the following reasons:

- ◆ 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.

4.2 This report recommends that the Director of Environment should be authorised to register the three plots of land at Little Wymondley as town or village green for the reasons set out in the decision report (appendix 3).

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

5.1 The application process has been funded from existing Rights of Way budgets.

5.2 However, should any person seek judicial review of the procedures and processes that have been used by the Registration Authority in determining this application the additional costs 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*

*Decision Report of Rights of Way Unit dated 30 June 2004 (appendix 3)*

If you require any further information on the items referred to in this report, please telephone Carole Young on 01992 555281