

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:

**COMMONS ACT 2006
CENTRAL BEDFORDSHIRE COUNCIL
REGISTRATION AUTHORITY**

DATE 1st July 2010

Application number: 1/2010

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1-6 and 10-11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7-8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

Note 1
insert name of
registration
authority.

1. Registration Authority

To the

CENTRAL BEDFORDSHIRE COUNCIL

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

** Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.*

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Indulgence by a significant number of residents of Houghton Conquest as of right in lawful sports and pastimes for a period of at least 20 years under Section 15(2) of the Commons Act of 2006 as witnessed by the enclosed statements showing use for activities including football, cricket, rounders, childrens games, bird-watching, kite-flying, cycle and bicycle riding, bonfire parties, cord-singing and others, by most of the villagers over a period extending from 1976 to 30th June 2010.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

THE OLD VILLAGE HALL SITE

Location:

SEE MAP A. AND MAP B

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

HOUGHTON CONQUEST PARISH
(THE VILLAGE OF HOUGHTON
CONQUEST)

Tick here if map attached:

(MAPS C + D)

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

* Only complete if the land is already registered as common land.

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

NOT KNOWN BUT BELIEVED TO BE
ARAGON HOUSING ASSOCIATION.
(OWNERS).
NO TENANTS OR OCCUPIERS ON
LAND SINCE 1976.

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land

N/A.

10. Supporting documentation

MAP A.
MAP B.
20+ WITNESS STATEMENTS.

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.


11. Any other information relating to the application

PLANNING PERMISSION WAS GRANTED ON 7TH JANUARY 2008 FOR HOUSING BY WOOD-MARLOWICK LTD. REF: MB/07/01702. THIS IS NOT CONTINUING AS DEVELOPER HAS DECIDED NOT VIABLE.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date: 30th JUNE 2010.

Signatures: 

REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

Statutory Declaration in Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ Insert full name (and address if not given in the application form).

ADRIAN
ROWAN
I, Richard Rowan,¹ solemnly and sincerely declare as follows:—

² Delete and adapt as necessary.

1.² I am ((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (³ one of the applicants)).

³ Insert name if Applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

(MAP A)

⁴ Complete only in the case of voluntary registration (strike through if this is not relevant)

~~4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:~~

- ~~(i) a declaration of ownership of the land;~~
- ~~(ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have~~

Cont/

4 Continued

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

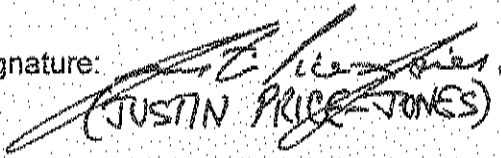
And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said ~~_____~~ ~~_____~~)
~~_____~~)
at DIXON HOUSE, 77-77 HARPUR ST,)
BEDFORD MK40 2SY)
this 1st day of JULY 2010)



Signature of Declarant

Before me *

Signature: 
(JUSTIN PRICE JONES)

Address: BORNEOS SOLICITORS
DIXON HOUSE
77/77 HARPUR STREET
BEDFORD MK40 2SY

Qualification: SOLICITOR

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

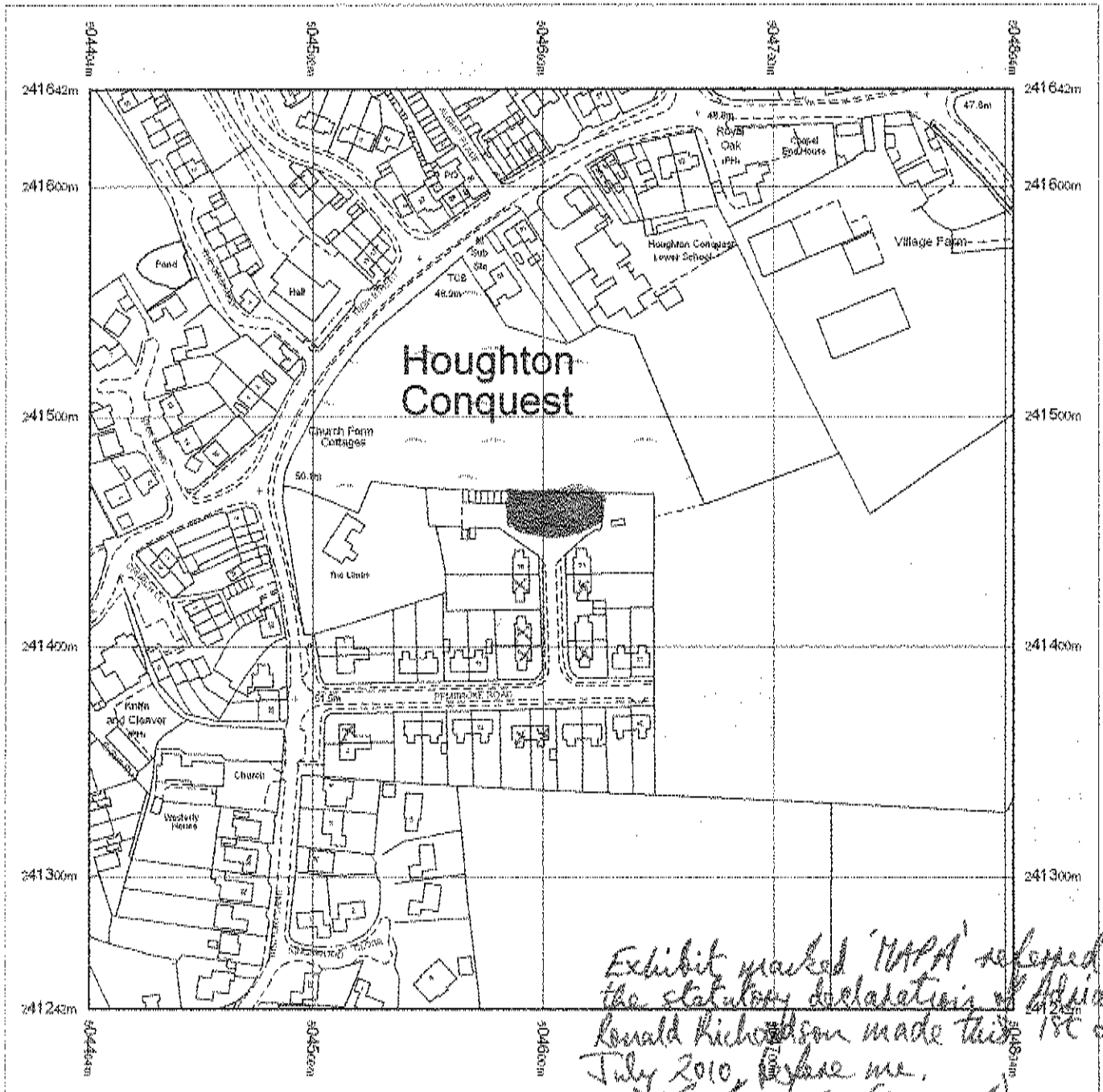


Exhibit marked 'MAP A' referred to in the statutory declaration of Julian Ronald Richardson made this 18th day of July 2010, please see.
Justin Price-Jones (Solicitor)

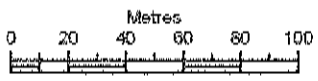
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:2500

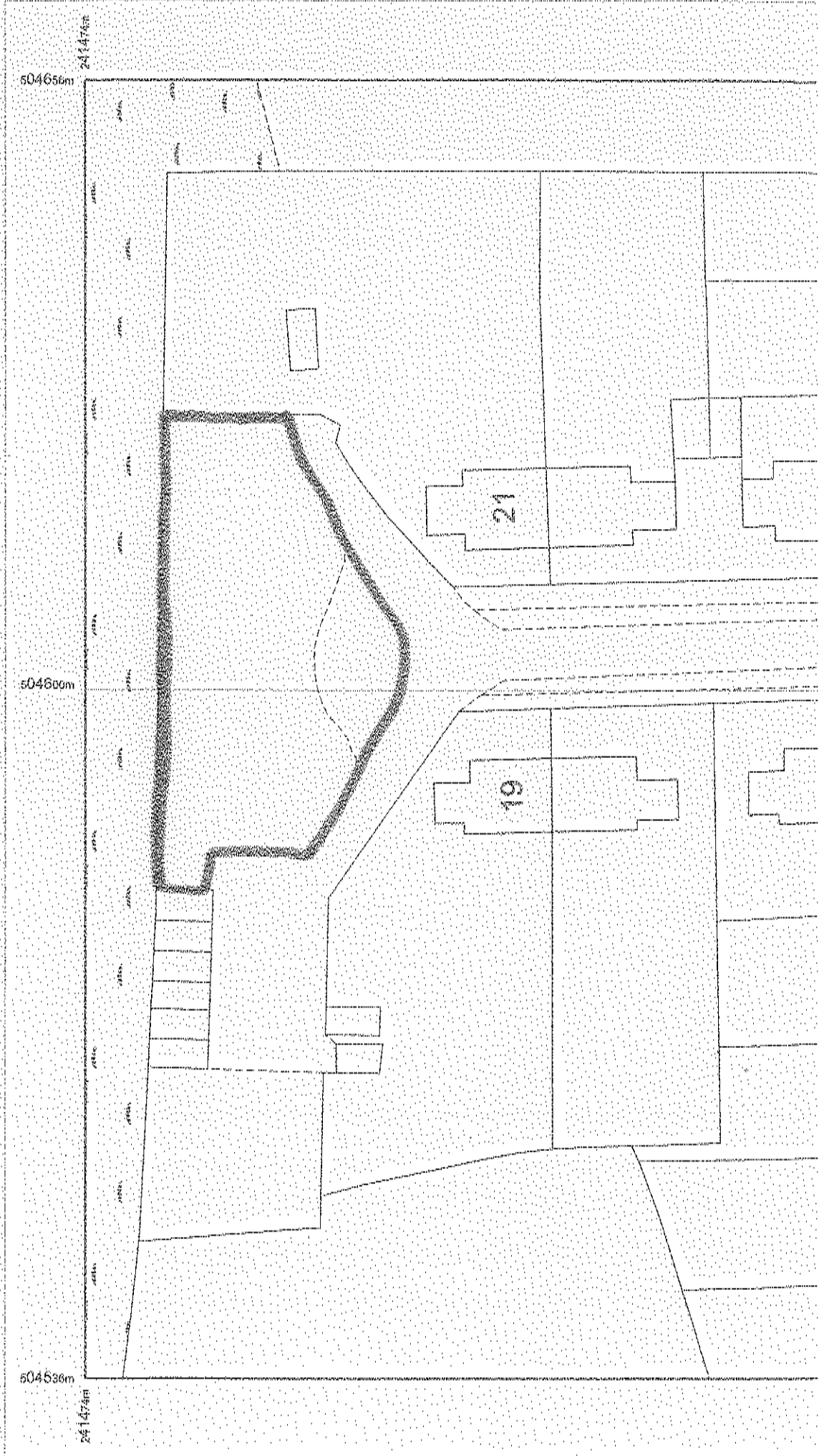
Supplied by: **Service Point UK (M Key)**
 Serial number: 00006000
 Centre coordinates: 504603.5 241442.25

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

**BORNEOS SOLICITORS
 DIXON HOUSE
 77/97 HARPUR STREET
 BEDFORD MK40 2SY**
Map A



Plan 5



Justification for application to register the land as a town or village green: Full statement.

HISTORY OF THE LAND

The land was an open field until the local authority (then believed to be Ampthill Rural District Council) decided to build council houses to form Pembroke Road the site along with a Village Hall for the local residents. This house building and the building of the Houghton Conquest Village Hall began in 1950 and all were completed by May 1951.

The area of land (marked in Red on Map A) was the site of that Village Hall and a surrounding grassed area from approximately 1950 till 1976 when the building was taken down and removed from the land. For the quarter-century that the Village Hall stood there the front, sides and rear land were used for recreation by local village people for playing, dog-walking and the various games and recreations stated by local people in various Witness Questionnaires attached. There was no fencing or other boundary markers or signs to prevent this. It was not maintained other than by local villagers cutting grass on the front as needed and the sides and rear were allowed to grow wild.

After the building was removed the land was fully abandoned and remains so to this day. It consists of a concrete strip (the Village Hall floor base, now almost grown over) surrounded by grass with a couple of sapling trees and various bushes. It has always been slightly scruffy but local villagers (my father, now sadly passed away) included have done the work required to keep it clear of becoming fully overgrown by cutting back brambles and light mowing of the grass as they would like to. Over very recent years it has deteriorated on the front (south) part through vehicles turning on it. This is not a necessary manoeuvre by drivers as there is ample turning head in the road; it is simply easy to do. When the green is registered vehicles must be prevented from going onto the land and destroying the grass, to restore it to pedestrian only use.

EVIDENCE

This is easily confirmed by many residents of the village, some of whom have been living here for over sixty (and more!) years. These local residents confirm that the area around the Old Village Hall, when the hall was in use, was used as they have described in their various Witness Statements and that there was no fencing or signage to prevent them from doing so. They and others further confirm that when the Old Village Hall was removed no fences were erected and no signs were placed informing people not to use the land. It was simply left as it was and people made use of it all from that day to this. Access has always been simple and straightforward as the land has no fences, no raised kerbstones or signage and was and is almost tempting to walk onto, being a small green space at the end of a tree lined road.

OWNERSHIP

I believe that the land was possibly owned by a local council; probably Ampthill Rural District Council then Mid - Bedfordshire Council and then passed on to Aragon Housing Association but I am not sure if they still own it. Whoever owned or owns it has made no attempt to make use of it or stop local residents using it at any time in the sixty years; nor during that time have they given permission for use to be made of the land. A developer once obtained full planning permission on the land but he has now abandoned this.

USE OF THE LAND

The land surrounding the Old Village Hall was used for many recreational purposes from 1951; a period of fifty-nine years.

Since the removal of the Village Hall (a new one was completed in the High Street that same year, 1976) this land has been known (quite logically) by villagers as "The Old Village Hall Site". It has

been used by villagers, mainly the inhabitants of Pembroke Road and their village friends, for recreation ever since, an unbroken period of thirty-four years.

This recreation was in the form of impromptu games by children of all ages: rounder's, cricket, football, flying kites, playing with tricycles, bicycles, home made wooden karts, toy cars (small ones to push, bigger ones to ride in), cowboys and indians, roller-skating, hopscotch (and many other games that only children know!), even splashing in puddles in wet times and these have been enjoyed all these years. Adults have walked dogs, played with their children and enjoyed seasonal communal events such as the big bonfires and fireworks on Guy Fawkes Night and New Year's Eve and carol-singing in the days before Christmas. The huge bonfires are now not done as there are larger organized events to travel to but parents in the road still use the land for small firework displays for younger children. These they feel they can control easily, both in terms of scale of display and their children. They also feel that the bigger displays can frighten young children. Local artistic-minded people have used the land to paint and draw both the land and views to the hills behind.

When the land was first used around the Village Hall there were frogs, toads and newts to be found in the drains around the site and these were a great source of fun and learning for people young and old. The drying of the area due to development and drainage has meant that these have largely gone (I think!) but frogs are still to be found in damp weather. The bushes mean that many species of birds are seen regularly and in the late summer blackberries abound and many villagers pick them to make jams and pies. It is quite a race for people as to see who can get their share with some villagers getting up with the sun to pick first! The blackberries are prized as extremely good as there is very little traffic dust and fumes to spoil the fruit.

HISTORY OF THE USE OF THE LAND

Villagers have used and still use the land today for many of the same recreations. In the 1950's and 1960's in Houghton Conquest it was possible, as a child, to wander in any direction across fields and through woods and you were not stopped and it was safe to do so. Parents felt no fear for their children and actively encouraged them to do so, to 'get out in the fresh air'. The parents too, walked for exercise and pleasure. This changed gradually as farmers required their fields to be fully productive and so fenced them off. The nature of society also changed until parents were almost filled with paranoia about their children playing out alone. In Houghton Conquest there is a playing field for more organised team games at the rear of the current Village Hall and a children's playground area at the far end of the village. The latter is used predominantly by parents taking very young (pre-school) children and babies in an organized fashion to the playground. However this is not practical for the whims of children who want to play 'now'. This is when children of around five years start to become more independent and want to play and socialize with others of their own age. So since 1976 they have used the Old Village Hall Site land (and it was a timely arrival as the historical comments just above show). The parents are happy to let them as they are safe within sight or earshot. It is children "getting fresh air" so they are not continually playing computer games indoors but getting exercise and learning to play together, aiding their full development. Further, it is easy and quick to walk the dog or join the children at play. When in season the blackberries are as sweet as ever, the fireworks are enjoyed on 5th November, on birthdays and New Year's Eve and the land continues to be used by villagers and in particular the residents of Pembroke Road.

FUTURE USE

The activities described here have been enjoyed for about three generations. There are villagers here who have enjoyed the use of the land since 1950 and their children and their grandchildren have enjoyed it since and are still doing so today. As residents have moved on or passed away so new families have moved in and they too are enjoying the land. As this is written two nearby houses have become empty and two new families are about to move in increasing the population of the area once more. This "Old Village Hall" village green has helped three generations to grow and live together in real harmony. Without it there would have been no place to have recreation

and play and so the quality of all lives would have been much reduced. It is essential with the pressures of modern life increasing to continue to have this vital green space for people to relax and have fun and enjoyment in relative peace.

The fact that this piece of land is relatively small does not preclude it from being a Village Green; in fact it is the very smallness that makes it such a safe and secure environment for children in particular. It is of a size that small children are not hidden away from their parents and both quite obviously feel safe. It has been and continues to be a small oasis where local people can be untroubled by traffic and passers-by. Being at the end of a road, dog-walkers are not troubled by traffic and the blackberries are untainted by traffic pollution. This space has been, is and will continue to be an understated but very valuable Village Green that gives local people some public room to play, grow and be safe. It is slightly scruffy and has suffered more recently as vehicles are able to drive over it and these have roughed up around half of the land (the south side). This can be rectified to make the land more user-friendly quite easily and there is commitment amongst the residents of Pembroke Road in particular and the rest of the village generally to amend this when the Village Green status is confirmed.

As this is being written there is a development taking place in the field directly behind "The Old Village Hall Site" land. There has always been a fence separating that field from "The Old Village Hall Site" land and a new wooden fence has been erected that reinforces that no entrance can be made from that direction thereby making the green even safer and more secure. It has been an ideal green for sixty years, has been in its' current state of use for thirty-four years to this day and it should remain so!

A [REDACTED] R [REDACTED]