

# Asset Management Advisory Group

## Report on Registration of Town Greens

25 February 2010



---

### 1. Introduction

- 1.1 A request has recently received from the Horsham Society to protect various "Town Greens" around Horsham Town. The purpose of this report is to look onto the implications.

### 2. Background

- 2.1 Town and village greens originate in customary law, where long-standing recreational use of land by the local inhabitants came to be recognised and protected by the courts. Greens are areas of land where local people have for many years indulged in lawful sports and pastimes, which might include organised or informal games, picnics, fêtes, dog walking and similar activities. A green can be in private ownership but many greens are owned or maintained by district, town or parish councils.
- 2.2 Under section 15 of the Commons Act 2006, land can be now registered as a green if it has been used by local people for recreation 'as of right' (*i.e.* without permission, force or secrecy) for at least 20 years. Section 15 applies to the whole of England, except the New Forest, Epping Forest and the Forest of Dean.
- 2.3 If someone wishes to register land as a green they can apply to the commons registration authority, in our case West Sussex County Council. The County can advise on the procedures involved. The applicant needs to provide evidence of the nature and extent of use of the land sufficient to satisfy the registration criteria.
- 2.4 Anyone can apply to have land registered as a green if it meets the statutory criteria. In addition, under section 15(8), the owner of land may voluntarily apply to register that land as a green for use by local people (without any need to show previous use of the land for sports and pastimes). However, if the land is leased for more than a seven-year term, or is subject to a charge (or mortgage), then the consent of the leaseholder or charge holder must first be obtained.

### 3. Proposals

- 3.1 The sites that the Horsham Society wishes to see protected are as follows. The comments under each ones are the Society's views.

#### **New Street, green behind the Brighton Road Baptist Church**

- 3.2 This is a small but ancient green very close to the town centre which is a good example of the urban green spaces which the Council's existing policy seeks to protect.

#### **Pennybrook Green, Guildford Road**

- 3.3 This is a small but visually important green on a major route into the town. There are already two seats which provide an opportunity for pedestrians to rest when walking to and from the town centre.

### **Crawley Road, Roffey, either side of Church Road**

- 3.4 This green area acts as a buffer between the Crawley Road, another major route into the town, and the new housing off Church Lane. The southern section, being wider, is particularly attractive and potentially more at risk of future development.

### **Redkiln Way / Oak Tree Way**

- 3.5 This green abuts Redkiln Way, on both sides of Oak Tree Way. It makes a considerable contribution to softening the urban street scene and provides a buffer between the industrial area and the adjacent housing.

### **Hills Farm Recreation Ground, Hills Farm Lane/ Blackbridge Lane**

- 3.6 This open space is a key feature of the Needles estate and of significant landscape importance. It warrants protection as a Town Green.

## **4. Consultations**

### **Head of Planning and Environment**

- 4.1 Whilst designation as a "Town Green" would be a factor in the consideration of a planning application on such a designated site, it would not have any other significant implications from a planning perspective. It would also be necessary to note that the designation as a Town Green is undertaken under separate legislation to that relating to Planning Control.

### **Strategic Land and Property Manager**

- 4.2 From the strategic land perspective my initial reaction is that there should not be a need for additional protection through designation as town greens. Any development proposal for green areas in the town would need to make a comprehensive planning case in order to succeed - you might recall the case of Ramsey Close where our proposal to sell a small area of green space to Saxon Weald for affordable housing got a thorough examination and was refused at DC North.

### **LDF Project Manager**

- 4.3 I do not consider the 'Town Greens' to need protecting by section 15 of the Commons Act 2006. These spaces are already protected by national policy within PPG17 and the policies in the Core Strategy and General Development Control Policies, namely Policy CP1 and CP14 and DC21. Policies CP1 and CP14 in the Core Strategy look to protect and enhance landscape and townscape character and the protection and enhancement of community facilities and services. Policy DC21 in the General Development Control Policies document seeks to protect such areas from "Development that would result in the loss of existing sport, recreational or amenity space". Policy DC21 also enables the enhancement of such spaces, such proposals considered on a site-by-site basis. These policies within Development Plan Documents, form part of the statutory Development Plan for the area and therefore are a material consideration in the determination of any planning application.
- 4.4 The Council will be looking more widely at such areas through work on Green Infrastructure, building on work already completed by the Council in the PPG17 assessment. This will look at all green spaces and corridors in the District which form the District's 'green infrastructure'. This work will help to inform the review of the Core Strategy and any subsequent Policies or Supplementary Planning Documents.
- 4.5 In conclusion at this time we see no need to seek to protect these areas further.

## **5. Comments**

- 5.1 There is no requirement on the Council to make these designations as landowner. Therefore the council needs to weigh up the pros and cons of carrying out this designation.
- 5.2 On the pro-side this designation will create an extra layer of protection which will further ensure that the areas remain open green spaces. The Council has in the past actively sought through the planning system to preserve green spaces in the Town and this supports this policy.
- 5.3 On the con side, whilst the Council owns these pieces of land arguably they are already protected and this is simply another layer of bureaucracy that the Council will need to pay for. At worst it ties the hands of future administrations that may want to use the land for other purposes or as part of a wider scheme.

## **6. Recommendation**

- 6.1 Based on the comments above it is recommended that the designation is not taken forward on the basis that:
  - a. Protection for these areas already exists under current planning policies
  - b. Work is already underway as a part of the LDF process to review "Green Infrastructure" which encompasses this type of area.

**Ray Lee**

Director of Development and Environment

16 February 2010.