

Extract from the published minutes of the Development Control Committee meeting held on 9th February 2016

56 LAND AT HAVELOCK RECREATION GROUND - APPLICATION FOR REGISTRATION AS A TOWN OR VILLAGE GREEN

Report CSD16029

Members considered the legal position and evidence submitted in relation to an application to register land at Havelock Recreation Ground, Bromley, as a Town or Village Green. After completion of the statutory requirements, it was the duty of the Council as registration authority, to decide if the area should be registered, or whether a public inquiry should be held for an Inspector to make a recommendation in this respect.

It was reported that Ward Members for Bromley Town, Councillors Rutherford, Dykes and Harmer, strongly supported the application to recognise Havelock Recreation Ground as a town green. As demonstrated in the report, the application met the basic standards and the analysis showed that the application had all the characteristics of a town green – the land was used by a significant number of people for lawful pastimes and had been for a long time.

The argument appeared to come down to whether access to the ground was "as of right". The Ward Members believed that this condition was also met. Havelock Recreation Ground was left to the children of Raglan Road School as a facility for the community. Bromley Council was looking after the land on behalf residents who were using it as of right.

The Chairman reported Havelock Recreation Ground was already designated for community use. However, the Council as land owners, were at liberty to recommend to the Executive that the land be registered as a town or village green as it was within the Council's gift to do so.

Being familiar with the site, Councillor Michael considered it to be the only piece of land available for recreational purposes within an area of high density housing and should, therefore, be safeguarded as public amenity use. Councillor Michael moved that Members recommend to the Executive that the land be voluntarily registered as a town or village green. Councillor Fawthrop seconded the motion.

The legal representative clarified the technical meaning of 'by right' and 'as of right'. He explained that land used by the public of a recreation ground where the Council owns the land for that use, falls within the category of 'by right' as opposed to 'as of right' which is where the public have no right to use the land but continue to use it as if they do. Registration as a town or village green would afford the land extra protection against any application to redevelop the site.

RESOLVED to recommend to the Executive that Havelock Recreation Ground be voluntarily designated as a Town or Village Green.