

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 25 July 2024

Decision Type: Non-Urgent Non-Executive Non-Key

Title: APPLICATION TO REGISTER LAND DESCRIBED AS
"SAUCEPAN FIELD" AS A NEW TOWN OR VILLAGE GREEN

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Chief Officer: Director of Corporate Services

Ward: Hayes and Coney Hall

1. Reason for decision/report and options

- 1.1 The Council as Registration Authority received on 23rd April 2021 an application to register land known locally as Saucepan Field, located in Bromley BR2, bounded on the North by BY/FP135, surrounded on the East, West and South by Barnet Wood. Enquiries showed that the land was already subject to a Landowner Statement, deposited with the Council on 19th August 2019, under section 15A of the Commons Act 2006. The effect of the Landowner Statement is to bring to an end any period during which persons have indulged as of right in lawful sports and pastimes. Given that the application for registration was made more than one year after the deposit of the Landowner Statement, the Council is required to reject the application.
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2. **RECOMMENDATION(S)**

- 2.1 **That Members reject the application to register the land known locally as Saucepan Field, located in Bromley BR2, bounded on the North by BY/FP135, surrounded on the East, West and South by Barnet Wood, as it has been made more than one year from the receipt of the Landowner Statement made on 19th April 2019 under section 15A of the Commons Act 2006.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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Transformation Policy

1. Policy Status: Not Applicable
 2. Making Bromley Even Better Priority: For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not applicable
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £
 5. Source of funding: Existing Budget
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Personnel

1. Number of staff (*current and additional*): 90
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not applicable
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Procurement

1. Summary of Procurement Implications: None
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Property

1. Summary of Property Implications: None
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: None
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Impact on the Local Economy

1. Summary of Local Economy Implications: None
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: None
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Customer Impact

1. Estimated number of users or customers (*current and projected*): Unknown
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: To be verbally updated

3. COMMENTARY

- 3.1 On 23rd April 2021, the Council, in its capacity as commons registration authority received an application from Ms NB. It sought to register land described as known locally as Saucepan Field, located in Bromley BR2, bounded on the North by BY/FP135, surrounded on the East, West and South by Barnet Wood as a new Town or Village Green pursuant to section 15(2) of the Commons Act 2006.
- 3.2 The Commons Act 2006 is the statutory regime governing commons and town and village greens. Each registration authority is required to maintain a Register of Commons and Town and Village greens within its area.

Section 15 provides for the registration of land as a town and village greens where the relevant statutory criteria are established.

Section 15(2) of the Commons Act 2006 enables any person to apply to register land where:

- (a) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years: and
- (b) They continue to do so at the time of the application.

However, section 15(3) also enables any person to apply to register land where:

- (a) A significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
- (b) They ceased to do so before the time of the application but within one year from when the use ceased.

- 3.3 In accordance with statutory procedures, the application was advertised and objections were received from the R E Company who is the freehold owner of the application land. In their objection the R E Company advised that a Landowner Statement was made pursuant to section 31(6) of the Highways Act 1980 and section 15A of the Commons Act 2006 and submitted to the Council.
- 3.4 The Landowner Statement is dated received by the Council on 19th August 2019.
- 3.5 Section 15(A) of the Commons Act 2006 enables the owner of land to deposit with the Council a statement in the prescribed form which for the purposes of section 15, brings to an end any period during which persons have indulged as of right in lawful sports and pastimes. This means that as the application for registration from Ms NB was made more than one year after the date of deposit of the Landowner statement on 19th August 2019, then the essential element of 20 years use as of right in lawful sports and pastimes cannot be made out.
- 3.6 The Regulations concerning Landowner Statements are set out in the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013. These regulations provide for a common form to be used for landowner statements under section 31(6) of the Highways Act (concerning dedication of a way as highway) and Landowner Statements under the Commons Act. Section 15A of the Commons Act 2006 is clear that a Landowner Statement has effect from when it is deposited with the Council which was on 19th August 2019.

4. LEGAL IMPLICATIONS

4.1 These are addressed in the report. The application must be determined in accordance with the criteria set out in sections 15 and 15A of the Commons Act 2006

5. WARD COUNCILLOR VIEWS

5.1 Any ward councillor comments will be reported verbally.

Non-Applicable Headings:	Impact On Vulnerable Adults and Children, Transformation/Policy Implications, Financial Implications, Personnel Implications, Procurement Implications, Property Implications, Carbon Reduction/Social Value Implications, Impact On The Local Economy, Impact On Health and Wellbeing, Customer Impact
Background Documents: (Access via Contact Officer)	Application dated 23 rd April 2021 from Ms NB Landowner Statement received on 19 th August 2019