

Town and village greens

Town and village greens

Town and village greens are areas of open space that have been used by the inhabitants of towns or villages for the purpose of lawful sports and pastimes.

From a landowner's perspective the key issue is that if land is registered as a town or village green it may restrict or even prevent development. The impact of this will depend upon your point of view. For villagers wishing to protect their village green it will provide protection. For a developer or landowner seeking to develop a 10 acre field on the edge of a town, it may come as a surprise to find the land has been registered as a town or village green and that it cannot be built upon.

It is a criminal offence to cause damage to a green or to interfere with its use or enjoyment. Any development which had been carried out would be unlawful and a court could require its removal.

Checking if land is registered as a town or village green

A Commons Registration Search can be carried out to identify whether land is currently registered as a town or village green. However, this does not preclude an application being made for registration in the future.

Registration of new town or village greens

Under the Commons Act 2006 an application can be made to register land as a town or village green where "a significant number of the inhabitants of a 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". This is a complex area of law but there are some key points to note:

- The land can be small, derelict or overgrown and still qualify, the courts have indicated that even a tidal beach could be a green;
- Sports and pastimes encompasses a wide class of activities including things like dog walking, picnicking, children's games, skateboarding, or berry picking;
- The use must have been made as of right i.e. without permission during a period of 20 years.
- Where use has stopped, there is a period of grace in which an application can still be made. In England applications must be brought within one year of the use ceasing. In Wales it is two years.
- In England there are certain trigger events related to development which, if they have occurred, prevent an application being made to register a town or village green until a terminating event occurs. For example, a trigger event occurs when an application for planning permission to develop land is published but will be terminated if the application is subsequently refused and all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld. Different trigger events apply in Wales.

Preventing land being registered as a town or village green

If your land is the subject of an application to register it as a village green and the first

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you hear of it is the making of the application, erecting signs to prevent access will not defeat it.

So, how can landowners and developers protect land from mischievous applications? The key is not to let the land be used by local people for informal recreation:

- 1 Inspect land regularly to make sure you know what is going on there. Approach people on the land without consent and ask them to leave. Keep a record;
- 2 If you think the land is being used for sports and pastimes by local inhabitants, consider depositing a landowner statement and map with the relevant commons registration authority. This will interrupt any period of use of the land "as of right" so the clock for accruing the 20 year qualifying period will be reset to 0;
- 3 If the land can be actively farmed it may be worth it. It can deter people entering the land and stops locals using it 'as of right';
- 4 Keep and preserve information showing use of the land e.g. aerial photographs, cropping records and anything which shows the use of the land and non-use by local inhabitants;
- 5 Put up signs showing the land is private and take photos in case the signs are removed;
- 6 Fence public footpaths so walkers and dogs have to stay on footpaths and not allow them to stray or picnic on land which is not a public footpath; and

- 7 Write to individuals who trespass and seek assurance they will not trespass again and if necessary take proceedings.

Issues for developers

It is important to ensure proper due diligence is conducted before land, which might be at risk of registration, is purchased with a development purpose in mind.

Carry out a careful inspection of the land and ask the seller for any information or proof they may have that those in the locality have not been using the land for recreational purposes.

Deregistration of land

It is possible for land registered as a town and village green to be deregistered. Defra has published guidance explaining how such applications will be considered. For areas of land over 200m², the application must include a proposal to register an alternative site as a town or village green.

Further information

This information sheet has been prepared to highlight some key issues on town and village greens in the Commons Act 2006. It is intended to be for general guidance only and it is not a substitute for specific advice. It is based upon our understanding of the legal position as at March 2019 and may be affected by subsequent changes in the law. For more information please contact Sarah Easton on 01892 510000 or email at:

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