

RIGHTS OF WAY SUB-COMMITTEE

13TH MAY, 1992

CHICHESTER: TWO AREAS OF LAND AT EAST BROYLEAPPLICATION FOR THE REGISTRATION OF LAND WHICH BECAME A TOWN OR VILLAGE GREEN AFTER THE 2ND JANUARY, 1970REPORT BY COUNTY SECRETARY

Ref: GE/P/CRIGEN

Introduction - The Application

- 1.1 The application made under Section 13 of the Commons Registration Act 1965 is submitted by the East Broyle Residents' Association. The applicants seek to have two areas of land at the entrance into Norwich Road from St. Paul's Road, Chichester registered as a town or village green.
- 1.2 Land can become a town or village green after the 2nd January, 1970 by the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years.
- 1.3 Section 22 (1) of the 1965 Act defines a town or village green as '.....land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality or on which the inhabitants of any locality have a customary right to indulge in lawful sports or pastimes or on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than 20 years'.
- 1.4 The applicants need to prove that
- (a) That it is inhabitants of the 'locality' that have used the land;
  - (b) That the land has been used for lawful sports and pastimes;
  - (c) That the use of the land has been as of right; and that
  - (d) The period of 20 years use of the land has been established.

2. Character and Features of the Land

- 2.1 The areas of land are at the entrance into Norwich Road from St. Paul's Road East Broyle, Chichester. The areas of land bisected by Norwich Road are grassed and unenclosed. The larger area bounded to the southwest by St. Paul's Road and south east and east by Norwich Road slopes down to these roads.
- 2.2 A large scale plan showing the areas of land will be on display.

### 3. Supporting Documents

3.1 Three statutory declarations made by (1) Lionel Thomas Robinson of 1 Winchester Drive, Chichester (2) James Henry Twitcher of 4 Norwich Road, Chichester and (3) Helen Mary Carlton, 5 Carlisle Gardens, Chichester who have lived in their properties on the East Broyle Estate since 1966, 1965 and 1968 respectively. These people claim to have witnessed the use of this land for recreational purposes, sports and games. It is also claimed that the land has been used for kite flying, exercising of dogs, and on occasions for celebrating Guy Fawkes Night. Also when conditions have permitted the larger area of land, it is claimed, has been used for tobogganing.

3.2 Twenty letters of support have been received from local people, seven from residents of Worcester Road, three from Wells Crescent, three from Carlisle Gardens, one from Truro Close, one from Exeter Road, one from Winchester Road, one from Canterbury Close, one from Lincoln Green and one from Norwich Road. All these roads form part of what is known as the East Broyle Estate. These letters are from people who claim to have used the land themselves or that their children have used the land. The other letter is from a resident of Cedar Drive in Chichester.

All the letters claim that the land has been in constant use by children and adults for the purposes mentioned in 3.1 above.

3.3 A letter has also been received from Councillor John C. Rankin the Mayor of Chichester who has lived on the East Broyle Estate since 1969 stating that the areas of land have been used for harmless recreation since that time. Lady Felicity Longmore in whose area the land lies has also written in support of the application.

3.4 A petition has been received with 42 signatures all the signatories are residents of the East Broyle Estate. The petition states "... have witnessed continuously over a number of years, the use of the two open grassland areas at the entrance to Norwich Road, Chichester - being the large grassed area bounded to the south west by St. Paul's Road, to the south east and east by Norwich Road and to the north by Wells Crescent, and the smaller open grassed area being bounded to the south west by St. Paul's Road and to the north by Canterbury Close, Chichester - for the use of lawful sports and pastimes by the general public ..."

### 4. Notification of Application

4.1 Notice of the application was published in the press on the 6th February, 1992 and notices were posted on the land on that date. At least 42 days was allowed to enable anyone who wished to make representations to the County Council (all evidence will be available for inspection in the Councillors' Office prior to the meeting).

4.2 A copy of the Notice and a plan identifying the land were sent to Chichester City Council, The Open Spaces Society, the Mayor of Chichester, Lady Felicity Longmore and Chichester District Council, the owners of the land.

5. The Owners of the Land

- 5.1 A letter was received from Chichester District Council the owners of the land stating that the application had been duly considered by the various interested committees of that council and that the council were in favour of the application.

6. Evidence of Use

- 6.1 The three statutory declarations have been made by people who claim to have seen people using the land for various sports and pastimes. The sports specified are football and cricket. Other purposes that the land has been put to are kite flying, exercising of dogs, tobogganing in suitable conditions and informal games.
- 6.2 Twenty letters received are either from people who claim to have used the land themselves or claim that their children have used the land. Eleven of these letters claim to have been using the land for more than twenty years. The sports and pastimes specified are the same as 6.1 above. All but one of the letters received are from residents of the East Broyle Estate.

7. Conclusion

- 7.1 A decision has to be reached as to whether the application and documents in support meet the criteria laid down to enable the land to be registered as a town or village green, whether or not the application is well founded in law.
- 7.2 The three statutory declarations are made by inhabitants of the locality and the twenty letters are also from inhabitants of the locality. It is known that the people seen on the land were from the locality. It is claimed that specific sports have been carried out on the land. The majority of the signatures on the petition are from residents of East Broyle. A lot of the evidence produced is of more than twenty years use.
- 7.3 No objections were received to the application.
- 7.4 Having considered all these matters I consider that the application meets the criteria laid down and is well founded in law.

RECOMMENDED

That the Sub-Committee accept the application to register the two areas of land at East Broyle as a town or village green.

E.M. HOLDSWORTH  
County Secretary.

Background Papers

- (a) The application made by the East Broyle Residents Association.
- (b) A copy of the Notice which appeared in the press on the 6th February, 1992.
- (c) Letters of consultation dated the 23rd January, 1992 to Chichester District Council, Chichester City Council, The Open Spaces Society, the County Surveyor and also to Lady Felicity Longmore and J.C. Rankin, the Mayor of Chichester.
- (d) Letter from the District Council dated the 3rd December, 1991.

