

Objections received following the advertisement of  
App1889  
Application to Register Town or Village Green at The  
Dell, Pains Hill

Sutton & East Surrey Water	01
Mr Pearce	25
Mr Pendred	28
Mr & Mrs Sullivan	31
Mr Murphy on behalf of Pastens Rd Residents Assoc.	35
Mr Pearson	38
Mr Alexander	39
Mr & Mrs Grenville	41
Mr Pannett	45
Mr Clarke	47
Ms Bussenschutt	51
Mr Paul	52



DALCOUR  
MACLAREN

# Objection to Town or Village Green Application

**Project: Pains Hill, Limpsfield**

Client: Sutton and East Surrey Water (SES Water)

Date: 13th July 2023





## Project Details

<b>Project Name</b>	Painshill - The Dell Field
<b>Scheme Number</b>	N/A
<b>Report Number</b>	002
<b>Date</b>	13th July 2023

### Prepared by

<b>Name</b>	Lucy Drew-White (Graduate Environmental Planner)
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### Approved by

<b>Name</b>	Rebecca Lock (Associate Planner)
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## Contents

1	Introduction.....	4
1.1	Background.....	4
1.2	Commons Registration Act 1965.....	5
1.3	Commons Act 2006.....	5
	Trigger Events.....	6
1.4	Land which has been registered as a Village Green.....	6
1.5	Procedure for determining Village Green applications.....	7
2	Prevention of claims for a Village Green.....	8
2.1	Erection of Fences and signs.....	8
2.2	Permission to access the land.....	8
2.3	Landowner Statements.....	8
3	The Dell Field.....	10
3.1	Application made by Joanna Chalmers & Morag Roulston.....	10
3.2	Landowner Statement submitted by SES.....	11
4	Conclusions.....	13

### Appendices:

Appendix A	Photographs from 2016 showing the signage and fencing erected by SESW
Appendix B	Photographs of the current signage and fencing of 'The Dell Field'

# 1 Introduction

## 1.1 Background

- 1.1.1 Dalcour Maclaren have prepared this note on behalf of Sutton and East Surrey Water (SESW) to confirm their objection to the application made to Surrey County Council for registration of their land as a Town or Village Green. This application has been made by Joanna Chalmers of Pear Tree Cottage, 19 Greenhurst Lane, Hurst Green, RH8 OLD and Morag Roulston of Chardleigh Cottage, Pains Hill, Limpsfield, RH8 ORG.
- 1.1.2 This objection note includes a summary of the application and the land, together with the formal reasons for objection.
- 1.1.3 The land in question is known as 'The Dell Field', Limpsfield, Tandridge, Surrey, RH8 ORE (NGR: TQ 41376 51528) (see Figure 1 below). This land has been owned by SESW water for a number of years and includes a disused water pumping station adjacent which may have operational requirements in the future.
- 1.1.4 Footpath 56 runs through The Dell field which is the access through the field from near Limpsfield Common to Pains Hill Road.



Figure 1: Image taken from ESRI showing the land which is subject to a village green application.

## 1.2 Commons Registration Act 1965

1.2.1 Village Greens go back to the Commons Registration Act 1965 ('1965 Act'); under the 1965 Act, local authorities were required to prepare registers of common land, including town and village greens.

1.2.2 The definition of a town or village green is:

*"Land...allotted by or under any Act for the exercise of recreation of the inhabitants of any locality have a customary right to indulge in lawful sports and 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."*

## 1.3 Commons Act 2006

1.3.1 The Commons Act 2006 ('2006 Act') was enacted to replace the 1965 Act in an effort to consolidate, simplify and improve the previous legislation.

1.3.2 Recent court decisions have determined that the following, will constitute lawful sports and past times:

- Archery and shooting
- Cricket (formal and informal)
- Riding horses
- Children playing
- Village dancing
- Maypole Celebrations
- Fishing
- Football and Rounders
- Picnicking
- Walking the dog
- Wandering
- Sketching, drawing and painting

1.3.3 For a piece of land to be registered as a Village Green, it must be demonstrated that the area in question has been used 'as of right' - i.e., without force, without secrecy and without permission for at least 20 years. Therefore, there is the potential to be able to provide evidence that an area has been used for recreational activities and can be registered as a Village Green.

## **Trigger Events**

- 1.3.4 Amendments to the 2006 legislation were introduced in 2013 under the Growth and Infrastructure Act 2013 which can exclude the statutory right to register a Village Green in certain circumstances, known as ‘trigger events’. Trigger events occur in respect of development through the planning system. If a trigger event has occurred, the relevant local authority *cannot* accept a Village Green application for the relevant land until a terminating event has occurred.
- 1.3.5 Examples of trigger events in England include:
- The first publication of an application for planning permission for the land, which will include circumstances where the permission is subsequently granted.
  - The making, publication or adoption by the local planning authority of the draft local plan, development plan or neighborhood plan proposal which identifies land for potential development
  - The first publication by the applicant of a proposed application for development consent under the nationally significant infrastructure project regime.
  - The publication of a notice of application for deemed planning permission in respect of transport and works act orders.
- 1.3.6 A Village Green application can be revived if the relevant trigger event no longer applied (for example, the planning application is withdrawn or refused, or planning permission is granted but lapses). The timing of an allocation of the land in the relevant development plan or of an application being made is, therefore, crucial.
- 1.3.7 Therefore, these changes have made it more difficult to register land in England as a Green.

## **1.4 Land which has been registered as a Village Green**

- 1.4.1 Registration of land as a Village Green, results in a number of restrictions over that land:
- It is a criminal offence to undertake any act which interrupts the use or enjoyment of a green as a place for exercise and recreation or to cause any damage to the green.
  - It is an offence to drive over a registered town or village green without the lawful authority and in certain circumstances.
  - It is deemed to be a public nuisance and therefore, an offence, to enclose or encroach on a green, or interfere with, disturb or build on a green,

unless this is done “*with a view to the better enjoyment of such town or village green*”.

- Greens may also be subject to any registered rights of common.

## **1.5 Procedure for determining Village Green applications**

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- 1.5.1 Applications can be made by anyone and are determined by the registration authority for the area of land which is subject to the Village Green application. This is usually the county council, unitary authority, metropolitan district council or London Borough.
  - 1.5.2 In the case of this Village Green application, two individuals have jointly made the application, with Surrey County Council being the registration authority.
  - 1.5.3 The registration authority may decide to hold a hearing or inquiry into the application to establish and test the evidence for and against registration.
  - 1.5.4 This approach of holding a non-statutory inquiry to assist the registration authority in determining a Village Green application has been endorsed by the courts, in particular where the application is contentious and there is a substantive dispute of fact.



## 2 Prevention of claims for a Village Green

### 2.1 Erection of Fences and signs

- 2.1.1 Landowners can physically prevent access to their land by ensuring the boundary walls/fences/hedges are kept in good repair and gates are locked (if applicable). They may also consider putting up signs such as 'private land and no unauthorised access.' However, the landowner must be vigilant with this by regularly inspected fences and gates to make sure they have not become damaged in order for the public to facilitate access to the land.
- 2.1.2 Where the public break down a fence to gain access, they will likely fall foul of the 'as of right' rule.

### 2.2 Permission to access the land

- 2.2.1 The landowner may give permission for the public to access the land. The 20 years use to establish either a Village Green or a public footpath has been 'as of right; - i.e., without force, without secrecy and without permission.
- 2.2.2 **If the landowner has given permission for the public to access the land, the requisite period of use as of right cannot be established.** Signs should be prominently displayed stating the use of the land is with the owner's permission, which may be withdrawn at any time. The landowner must also regularly inspect the signs to make sure they have not been defaced or torn down.

### 2.3 Landowner Statements

- 2.3.1 Section 15A(1) of the Commons Act 2006 allows a landowner to stop any period of time relied on to establish a Village Green. A statement is deposited within the relevant local authority in a prescribed form which is then registered as a local land change.
- 2.3.2 The statement identifies any existing public rights of way on the land, the existence of which the owner admits and confirms that no additional rights of way have been granted by the landowner.
- 2.3.3 When owners deposit a landowner statement in relation to their land, but recreational use has already taken place on it for 20 years or more, the deposit triggers a one-year period of grace for objections. This gives the local community one year to apply to register the land as a town or village green. **The local community cannot apply any later than one year from the date of the deposit.**

- 2.3.4 Further deposits every 20 years will permanently prevent time running against the land.
- 2.3.5 If recreational use of the land as of right continues after a landowner statement is deposited, a new period of use will begin to accrue. If another landowner statement is deposited within 20 years of the previous deposit, it will again prevent the users reaching 20 years – the clock will be reset to zero years.

### 3 The Dell Field

#### 3.1 Application made by Joanna Chalmers & Morag Roulston

- 3.1.1 SESW received a notice for the application of the land at The Dell to be registered as a Village Green on 11th May 2023.
- 3.1.2 The application claims that the land at the Dell qualifies for registration as a town or village green on 15th January 2020 due to the land having been used as of right by a significant number of the inhabitants of Limpsfield Parish, District Tandridge for lawful sports and pastimes for a period of 20 continuous years.
- 3.1.3 Further to this, the 15<sup>th</sup> January 2020 was when 'as of right' use ceased to continue and therefore, Joanna and Morag had a 2 year grace period to submit this village green application.
- 3.1.4 As set out in the 2006 Act requirements, there needs to be evidence to confirm use of the land for village green purposes for a continuous and uninterrupted period of at least 20 years. The current application includes the following evidence to support the request:
- Application for the Registration of land as a Town or Village Green (Commons Act 2006: Section 15)
  - Map of area claimed
  - Statutory Declaration in Support (Signed by a solicitor)
  - Evidence from application
  - Photos from residents showing them on the 'Dell Field'
  - Video file
- 3.1.5 However, after reading through the application thoroughly, there are a number of queries raised over the evidence, in the main that there is no date stamp to confirm when the photographs were taken.

#### Public Right of Way

- 3.1.6 Further to this, the application has stated that the land has been used 'as of right' however, due to there being a PRow that passes through the Dell Field, this may not be valid as the people using the PRow have had permission to use it for crossing the land.
- 3.1.7 Whilst there are references to multiple footpaths, there is only one recognised right of way crossing the land.
- 3.1.8 The vast majority of evidence that has been submitted by Joanna and Morag refers to walking and so it is difficult to determine which involves wandering over a wide area, and walking which involves walking along a defined route

between specific points. It is also not clear from the evidence precisely where the walking has taken place, and in particular whether it has involved walking along the Public Right of Way on the Site. SESW assume that the majority of users of 'The Dell Field' use the PRoW to get to and from places as well as recreational walking.

3.1.9 This is furthered by the fact the majority of the field is long grass which is unsuitable for walking through aside from sticking to the PRoW.

3.1.10 Therefore, the use of the 'The Dell Field' for these activities were not 'as of right' and it is not possible to conclude definitively whether use of the application site for recreational purposes during the relevant 20-year period has been 'as of right'.

### **3.2 Landowner Statement submitted by SES**

3.2.1 DM submitted a landowner statement on behalf of SESW on 15<sup>th</sup> January 2020 to Surrey County Council (SCC) which is the same day in which the application claims that it qualified for Village Green status.

3.2.2 As mentioned previously, a landowner statement or deposit brings to an end any period of use of the land for informal recreation. This means that the accumulated number of years of use is paused. A deposited statement prevents any claim for use over 20 years required in order for the land to qualify for town or village green protection.

3.2.3 Therefore, as the 20 years had been accrued up to 15<sup>th</sup> January 2020, and SESW submitted their landowner deposit on the same day, the residents of the Limpsfield Parish had one year to apply for village green status which would have expired 15<sup>th</sup> January 2021. After this date, the 20 years would need to be accrued again – so to 14<sup>th</sup> January 2041.

3.2.4 As new information has come to light regarding when the Village Green application was submitted by Joanna Chalmers and Morag Roulston, this objection has been revised on 4<sup>th</sup> July 2023. Due to the Village Green application being submitted on 14<sup>th</sup> January 2021, this was within the one-year period that Joanna and Morag could have submitted their application.

3.2.5 However, despite this, **SESW submits that the landowner deposit is evidence that they identified the PRoW and that they have no intention to allow any other part of their land to become subject to a Public Right of Way. Therefore, the public were to stick to the existing the PRoW and not use the wider field for recreational activities.**

### **3.3 Erection of Signage and Fencing**

3.3.1 While 'The Dell Field' has been under their ownership, SESW have erected boundary fences/hedges that are kept in good repair with gates locked to

prevent unlawful access to their land. This is evidenced by photos within Appendix A which were taken in 2016 by SESW.

- 3.3.2 As you can see from the photos, 'The Dell Field' is not an open unenclosed space; the gates at either end and surrounding the field are locked for security and to stop the public from accessing the land unlawfully. The only areas you can access the field are from the stiles off an unnamed road off Pains Hill and at the end of Tenchley's Lane. Thus, furthering the argument that only the PRoW can be used to walk through this piece of land.
- 3.3.3 Furthermore, the signs that are up showing that SESW own the land, have been there well before 2017 when it became SESW's. The intention has always been to confirm that the land is private and that the public can only use the PRoW that runs through 'The Dell Field'.
- 3.3.4 In other photos that SESW have supplied, there is sufficient fencing around the perimeter of the land as well which have been force since they took ownership, with further signs stating, 'Strictly Private, No admittance' along the perimeter, again to deter people from unlawfully accessing the land.
- 3.3.5 Appendix B shows photos that were taken on 5th July 2023 by SESW during a site visit.
- 3.3.6 As shown in the photos that were taken in 2016 and 2023, 'The Dell Field' is mainly grassland, which is managed periodically by SESW through mowing, but the grass grows to be quite long, making it unsuitable for the public to use the wider land (this can be shown from the photos in Appendix B). The PRoW that stretches through the middle of the land is managed and is therefore well defined within the field.
- 3.3.7 This further SESW's argument that it is difficult to determine what activities and pastimes have been undertaken within the PRoW or on the wider land, and that as this is the case, **there is insufficient evidence that these past times have been undertaken for the whole 20-year period.**
- 3.3.8 There are a couple of damaged fences around the perimeter of 'The Dell Field', however, it is unclear whether this was done by the public or bad weather etc. However, as the land is a 2.6ha in size, it is a fairly large piece of land, surrounded by gardens, woodland and dense scrub, therefore, making access into the field via any other means than the stiles at either end of the PRoW, very hard. Nonetheless, the regulations make it clear that any member of the public that breaks through an existing enclosure is not accessing land 'as of right'.

## 4 Conclusions

- 4.1.1 SESW submitted a Landowner Statement on 15<sup>th</sup> January 2020 to confirm the rights of way across the 'Dell Field' and the surrounding land they also own. This has paused any opportunity for village green claims across the land ownership for a further period of 20 years up to 14<sup>th</sup> January 2041.
- 4.1.2 This demonstrates that SESW submitted their landowner statement on 15<sup>th</sup> January 2020 and that any application for Village Green status should have been made within the 1-year grace period following this, which this application was.
- 4.1.3 However, despite this, the current application provides no substantive evidence to demonstrate an uninterrupted 20-year period of use and recreation from this date. Furthermore, from the Village Green application, the evidence does not demonstrate whether the pastimes that have taken place have been within the PRow or of the wider land. This is also furthered by the idea that there has been some 'as of right' use on the land, but not enough within the 20-year period to quantify the need for the land to be registered as a Village Green, this is again down to not being able to define whether people have used the existing PRow or the wider land.
- 4.1.4 SESW have erected signage and fencing around the perimeter of the land, although the signs do not explicitly state that the wider land cannot be used, fencing around the land has been maintained by SESW and the gates at all entrances/exits to 'The Dell Field' have remained locked. The only access for the public is through the stiles situated at either end of the PRow.
- 4.1.5 This note confirms SESW's formal objection to Surrey County Council stating the objection to the registration of The Dell Field as a Village Green on the above basis.
- 4.1.6 Subject to consultation from Surrey County Council, the application dated 14<sup>th</sup> January 2021 for The Dell Field to be registered as a Village Green should be refused.

## **Appendix A**

Photographs from 2016 showing the signage and fencing erected by  
SESW

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## **Appendix B**

Photographs of the current signage and fencing of 'The Dell Field'

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**DALCOUR  
MACLAREN**

### **Midlands**

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[REDACTED]

**Sent:** 20 June 2023 09:48

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

[REDACTED]

**Subject:** Objection to redesignating the Dell field on basis of incorrect facts and increased nuisance

**Caution:** This email originated from outside Surrey County Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Catherine and team,

**Land at the Dell, Pains Hill**  
**Application for a new Village Green no 1889**

Please see attached our objection to this application, which seems spurious.

The field clearly does not satisfy the purported basis of the application of significant numbers of residents using it for lawful sport or pastimes for a period of twenty continuous years. Small numbers of dogwalkers and very occasional groups of sledgers do not fulfil this definition at all.

The field has no facilities, no access for cars, and is completely unsuited to the traditional sports played on village greens. The steep hill means it has never been used for organised sport so far as we know.

The poor access means the field is not policed, and even existing levels of antisocial and illegal behaviour create significant concern, including, more recently, trespassing and criminal damage to our garden.

Best wishes,

James Pearce and family

[REDACTED]

**FAO**

Catherine Valiant,  
The Countryside Access Team, Surrey County Council,  
Whitebeam Lodge,  
Merrow Depot,  
Merrow Lane,  
Guildford,  
GU4 7BQ

**From**

James Pearce



20<sup>th</sup> June 2023

Dear Catherine,

**Land at the Dell, Pains Hill  
Application for a new Village Green no 1889**

I read the notification sent to us dated 10<sup>th</sup> May 2023 with considerable concern and wish to object.

As you know, our house is adjacent to the land in question, and as a result we already suffer from occasional nuisance from a minority of users of the footpath. We have no wish to see greater numbers use the footpath, encouraged by the redesignation of the field as a village green, as it would also increase the frequency of antisocial or even illegal behaviour. We also believe the basis of the application is factually incorrect.

Sometimes the nuisance resulting from the existing footpath simply consists of strangers parking outside our house, despite it being a private road with no parking facilities for the general public. This is intimidating given recent break-ins on the road, disturbing and unpleasant if they play loud music in their car and smoke, and problematic when unsuitable cars become snow-bound on the steep lane leading to the house. When challenged, these unwelcome trespassers are regularly aggressive, despite having no right to park on the private road, which is only a pedestrian right of way.

Worse, some footpath users light fires in the field, make noise at night and interrupt sleep for all of us including our school age children. Luckily none of the fires have endangered us

so far, but we are concerned that encouraging greater use of the field would also result in a higher frequency of anti-social or potentially dangerous behaviour.

Even more concerning, on 12<sup>th</sup> June, footpath users trespassed in our garden and caused criminal damage. This was notified to the police who to our knowledge have taken no action. This is highly concerning given that my wife was alone in the house with my daughter at the time. Approving the application and driving greater footfall makes us fear that larger numbers of anti-social users or trespassers will also go un-policed, causing us considerable distress.

As a result of these concerns we would be very concerned at any measures which encourage further footfall or the use of the private road by non residents on the basis that it would create an increased nuisance for houses adjacent to the field, including ours.

I also believe that the factual basis of the application is simply misleading. It states that the land has been used "by a significant number of.... inhabitants... for lawful sports and pastimes, for a period of twenty continuous years".

Having moved into the road in 2013 this is simply not the case. In the last ten years we have **never** seen "a significant number of inhabitants" in the field. We see the occasional dogwalker, and the field is usually deserted. On one or two occasions there have been maybe a dozen or so kids sledging, mainly on the line of the path.

We have never seen any other sport or pastime in the field, which is hardly surprising as it is on a steep slope. The field is completely unsuited to any of the usual sports one might associate with a village green and has no facilities such as loos, pub, café etc. Cricket, football, tennis and so on would all be impossible due the steep slope and I have never seen any attempt. The only sport of any kind I have seen has been sledging but as winter snow becomes less common we haven't seen this for some time.

In conclusion, the application appears very odd to me. The field clearly does not satisfy the purported basis of the application of significant numbers of residents using it for lawful sport or pastimes for a period of twenty continuous years. Small numbers of dogwalkers and very occasional groups of sledgers do not fulfil this definition at all. The field has no facilities, no access for cars, and is completely unsuited to the traditional sports played on village greens. The poor access means the field is not monitored by police, and even existing levels of antisocial and illegal behaviour create significant concern, including, more recently, trespassing and criminal damage to our garden.

Best wishes,

James Pearce

**To:** [Commons Villagegreens/COR/SCC](#)

**Subject:** Land at the Dell, Pains Hill Objection to Application no 1889 for a new Village Green  
**Date:** 26 June 2023 14:35:06

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We have lived at the Weald Cottage for 35 years, situated at the junction of Pastens Road and Pains Hill.

At the Annual General Meeting of the Pastens Road Residents Association we were informed of application no. 1889 for a Village Green and in a vote it was unanimously agreed to object to this application on numerous grounds.

These have been set out in the attached letter to which my wife and I fully concur.

Please see the letter below and please register our objection sent today 26th June 2023.

To:  
 Catherine Valiant,  
 The Countryside Access Team, Surrey County Council,  
 Whitebeam Lodge,  
 Merrow Depot,  
 Merrow Lane,  
 Guildford,  
 GU4 7BQ

From  
 David Murphy on behalf of the Pastens Road Residents Association

20th June 2023

Dear Catherine,

Land at the Dell, Pains Hill - Objection to application no 1889 for a new Village Green

I am writing to you in my role as Chair of the Pastens Road Residents Association (PRRA). All PRRA Committee members are cc'd. The PRRA comprises all of the residents of Pastens Road and Tenchley's Lane. It concerns itself with the condition of the road (which is private and unadopted) and other areas of shared interest.

Pastens Road (including Tenchley's Lane) is a private road which lies adjacent to the land referred to in this application: "the Dell".

A footpath crosses the Dell field from Pastens Road / Tenchley's Lane (north-east of the Dell), down to Pains Hill (south-west).

At our recent PRRA AGM on 17th May the application notification for the Dell (sent to the Pearce family at Highstead dated 10th May 2023) was discussed, and it was agreed that I (on behalf of the Committee) should object to this proposal on behalf of the PRRA. This letter has been circulated to the residents of the road.

### Basis of the Objection

(1) The application is misleading.

It states that the land has been used “by a significant number of... inhabitants... for lawful sports and pastimes, for a period of twenty continuous years”.

This is not correct.

During the 18 years I have lived in Pastens Road, the land at the Dell has been used as follows:

- a) the footpath is used without problem by a number of people each day
- b) when there is sufficient snow, the land in the western corner is used for sledging. I have used it with my children several times and I can say it is used for between zero and 5 days per year, by between 4 and max 20 people . Again, this activity is without problem, but it is not regular.
- c) occasionally, people sit in the Dell field , either adjacent to the footpath or away from it. Normally, this is unproblematic, but occasionally there is loud music, fires lit and other anti-social behaviour (mainly youths). Recently these youths went further and trespassed onto the land of a resident adjacent to the field.
- d) a minority of footpath users (eg some dog walkers) stray away from the footpath into adjacent fields- and have then caused damage to a fence / hedge by trying to force a new path through onto Pastens Road

We are unaware of any sports (except very occasional sledging) ever having been played there. Practically, most sports would be impossible due to the steep slope.

b) lack of suitable access

As mentioned above, the only access to the field is via a footpath which has no parking at either end:

(i) at the north-east end, the path goes up Pastens Road (a cul-de-sac). There is no right of entry into Pastens Road, except for pedestrians using the footpath, and there is no parking just outside Pastens Road either. The nearest (very small) car park is on Brick Kiln Lane, Limpsfield Chart, around 1km away from The Dell field.

(ii) at the south-west end, the path enters a narrow cul-de-sac off Pains Hill. There is no parking either in the cul-de-sac, or on Pains Hill.

c) anti-social behaviour

As mentioned above, there has already been anti-social behaviour occurring in the Dell field.

The land is very isolated with no street-lighting and therefore is attractive to some anti-social people.

d) The land is and has been clearly marked as private.

e) The land is owned by East Surrey Water Company

The water company used to collect water from this area - and may well need to do so again in the future. It is unclear as to whether the use of the land as a Village Green may conflict with the collection of drinking water.

f) ongoing maintenance

If the land is designated as a village green, who is going to maintain it ? eg will the council mow the grass and collect litter etc. Will the council patrol it or instal cctv to control anti-social behaviour ?

In conclusion, the PRRA objects to the re-designation of this land as a Village Green. We have no objection to the existing footpath (and we have no desire to see new fences on each side of the footpath) - but we do not wish to see any increase in the anti-social behaviour which is already starting to occur and which we believe would increase if it is designated as a Village Green. We also do not wish to encourage illegal parking on Pastens Road.

With thanks,

Christopher and Penny Pendred



[REDACTED]  
**To:** [Commons Villagegreens/COR/SCC](#)  
**Subject:** Objection of water Board site  
**Date:** 26 June 2023 11:57:50

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Dear Catherine we are residents of pastens Cottage Pastens Road we strongly feel this should be kept as The Village Green. Hope this helps in keeping with the rest of the residents of Pastens Road objection to waterboard not wanting this site to be kept as village Green. Many thanks. Mr & Mrs. Sullivan



**From:** [REDACTED] Catherine Valiant on behalf of [Commons Villagegreens/COR/SCC](#)

**Subject:** RE: Objection of water Board site

**Date:** 27 June 2023 12:52:00

**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)

Dear Mrs Sullivan

Many thanks for your email. I was wondering if you could clarify your position for me? Your email appears to suggest that you are in FAVOUR of the land being registered as a Town or Village Green. You suggest that this view is in keeping with other residents of Pastens Road, however I have received objection letters from several residents of the road, and from the Residents Association.

I would not wish to misinterpret your email, and I wonder if you could clarify whether you are in favour of the application to register the land as a TVG, or whether you oppose it?

Please do email using my direct email in the signature below.

Many thanks

**Catherine Valiant**  
**Countryside Access Officer (Commons)**  
 Surrey County Council,  
 Whitebeam Lodge, Merrow Depot,  
 Merrow Lane,  
 GUILDFORD, Surrey, GU4 7BQ  
 Email: [catherine.valiant@surreycc.gov.uk](mailto:catherine.valiant@surreycc.gov.uk)  
 Tel: 07976 394660

PLEASE NOTE I GENERALLY WORK 7AM – 2:45PM MONDAY - FRIDAY



Please note that in the interests of open government, all correspondence may be disclosed to the public and may be summarised for inclusion in committee reports. If you do not wish for your personal details (i.e. name and address details) to be made public please notify me of your intentions in your response.

**Sent:** Monday, June 26, 2023 11:58 AM

**To:** Commons Villagegreens/COR/SCC <[commons.villagegreens@surreycc.gov.uk](mailto:commons.villagegreens@surreycc.gov.uk)>

**Subject:** Objection of water Board site

**Caution:** This email originated from outside Surrey County Council.  
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Dear Catherine we are residents of pastens Cottage Pastens Road we strongly feel this should be kept as The Village Green. Hope this helps in keeping with the rest of the residents of Pastens Road objection to waterboard not wanting this site to be kept as village Green. Many thanks. Mr & Mrs. Sullivan

**To:** [Catherine Valiant](#)  
**Date:** 28 June 2023 08:29:38

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**Caution:** This email originated from outside Surrey County Council.  
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So sorry Catherine if my email was confusing I go along with the residents of pastens Road to lodge objection to the site being used for a village green and agree that anti social behaviour is happening a lot now and unexeceptable behaviour occurring in the field late at night which was not around when we first bought pastens cottage 9 years ago. We ourselves were burgled last year. Absolutely ransacked the place so it could be worse if turned into a village green. Sorry for confusion. Gail & Danny Sullivan

**To:** [REDACTED] [Commons Villagegreens/COR/SCC](#)

**Subject:** Land at the Dell, Pains Hill Objection to application no 1889 for a new Village Green

**Date:** 25 June 2023 08:18:48

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9

**To:**

Catherine Valiant,  
The Countryside Access Team, Surrey County Council,  
Whitebeam Lodge,  
Merrow Depot,  
Merrow Lane,  
Guildford,  
GU4 7BQ

**From**

David Murphy on behalf of the Pastens Road Residents Association

**Cc**

All PRRA Committee Members. Tim Ashlin.

20<sup>th</sup> June 2023

Dear Catherine,

**Land at the Dell, Pains Hill****Objection to application no 1889 for a new Village Green**

I am writing to you in my role as Chair of the Pastens Road Residents Association (PRRA). All PRRA Committee members are cc'd. The PRRA comprises all of the residents of Pastens Road and Tenchley's Lane. It concerns itself with the condition of the road (which is private and unadopted) and other areas of shared interest.

Pastens Road (including Tenchley's Lane) is a private road which lies adjacent to the land referred to in this application: "the Dell".

A footpath crosses the Dell field from Pastens Road / Tenchley's Lane (north-east of the Dell), down to Pains Hill (south-west).

At our recent PRRA AGM on 17<sup>th</sup> May the application notification for the Dell (sent to the Pearce family at Highstead dated 10<sup>th</sup> May 2023) was discussed, and

it was agreed that I (on behalf of the Committee) should object to this proposal on behalf of the PRRA. This letter has been circulated to the residents of the road.

### **Basis of the Objection**

#### **(1) The application is misleading.**

It states that the land has been used “by a significant number of... inhabitants... for lawful sports and pastimes, for a period of twenty continuous years”.

This is not correct.

During the 18 years I have lived in Pastens Road, the land at the Dell has been used as follows:

- a) the footpath is used without problem by a number of people each day
- b) when there is sufficient snow, the land in the western corner is used for sledging. I have used it with my children several times and I can say it is used for between zero and 5 days per year, by between 4 and max 20 people . Again, this activity is without problem, but it is not regular.
- c) occasionally, people sit in the Dell field , either adjacent to the footpath or away from it. Normally, this is unproblematic, but occasionally there is loud music, fires lit and other anti-social behaviour (mainly youths). Recently these youths went further and trespassed onto the land of a resident adjacent to the field.
- d) a minority of footpath users (eg some dog walkers) stray away from the footpath into adjacent fields- and have then caused damage to a fence / hedge by trying to force a new path through onto Pastens Road

We are unaware of any sports (except very occasional sledging) ever having been played there. Practically, most sports would be impossible due to the steep slope.

#### **b) lack of suitable access**

As mentioned above, the only access to the field is via a footpath which has no parking at either end:

(i) at the north-east end, the path goes up Pastens Road (a cul-de-sac). There is no right of entry into Pastens Road, except for pedestrians using the footpath, and there is no parking just outside Pastens Road either. The nearest (very small) car park is on Brick Kiln Lane, Limpsfield Chart, around 1km away from The Dell field.

(ii) at the south-west end, the path enters a narrow cul-de-sac off Pains Hill. There is no parking either in the cul-de-sac, or on Pains Hill.

#### **c) anti-social behaviour**

As mentioned above, there has already been anti-social behaviour occurring in the Dell field.

The land is very isolated with no street-lighting and therefore is attractive to some anti-social people.

d) The land is and has been clearly marked as private.

e) The land is owned by East Surrey Water Company

The water company used to collect water from this area - and may well need to do so again in the future. It is unclear as to whether the use of the land as a Village Green may conflict with the collection of drinking water.

f) ongoing maintenance

If the land is designated as a village green, who is going to maintain it ? eg will the council mow the grass and collect litter etc. Will the council patrol it or instal cctv to control anti-social behaviour ?

In conclusion, the PRRA objects to the re-designation of this land as a Village Green. We have no objection to the existing footpath (and we have no desire to see new fences on each side of the footpath) - but we do not wish to see any increase in the anti-social behaviour which is already starting to occur and which we believe would increase if it is designated as a Village Green. We also do not wish to encourage illegal parking on Pastens Road.

Please confirm safe receipt and let me know the next steps

Best wishes,

David Murphy

[REDACTED]

**Sent:** Tuesday, June 27, 2023 8:52 AM

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

**Subject:** The Dell, Pains Hill, Limpsfield.

**Caution:** This email originated from outside Surrey County Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

**Commons Registration Act 1965/Commons Act 2006**  
**Land at The Dell, Painshill, Limpsfield**  
**Application for a new Village Green. Application no. 1889**

I am writing to object to the application for registration of the field near The Dell, Pains Hill, Limpsfield as a Village Green. My reasons are:

1. The only access to the field is via the public footpath from either Pains Hill or Pastens Road. If the field is registered as a Village Green, the increased activity will result in illegal parking along Pastens Road (private road) and the private cul-de-sac off Pains Hill as well as on Pains Hill, which is quite narrow and used by vehicles and cyclists coming down the road at speed. It is also used by horse riders.
2. There is easy access from the field into the Dell where there is a pond and reservoir. Increased activity in the field would pose a safety risk, particularly for children.
3. Registration will increase the likelihood of the field being used as a meeting place at other times of the year than after snowfall. We already see rubbish, detritus left behind after sledging and this problem will increase if the field is registered as a Village Green.

Tony Pearson, [REDACTED]

**Sent:** Tuesday, June 27, 2023 3:13 PM

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

**Subject:** Land at The Dell - Pains Hill - Objection Application No: 1889 Village Green

**Caution:** This email originated from outside Surrey County Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Catherine Valiant

We wish to object to the above application as we have lived at Thatchers, Pastens Road RH8 0RE for the past 45 years and consider this whole proposal to be inappropriate.

We agree with all the objections raised by the Pastens Road Resident's Association.

This field used to be grazed by livestock and in recent years has been trespassed by walkers - mostly with dogs.

Local people have only sledged and skied in the few cold winters which has happened very rarely since the 1980's.

No doubt you are aware that there is no local public transport to this site and consequently the use for a Village Green would encourage vehicular increase.

There are other more sensible places in Limpsfield Chart to provide a Village Green i.e. the land at the Chart itself opposite the Carpenters' Arms and near the Church - which is flat and more appropriate - also there is already an area known as Limpsfield Village Green in the Village itself.

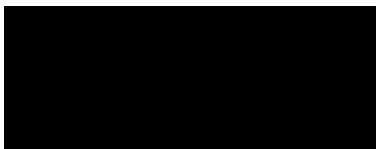
We have had information that the land in question is to be graded as an Area of Natural Outstanding Beauty.

Lastly the existing water works has been used in recent years to supply untreated water to the Limpsfield Golf Club during hot and dry summers and possibly any increased use of the field could affect this facility.



Yours truly

Brian Alexander



9

[REDACTED]

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**Sent:** 28 June 2023 16:26

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

[REDACTED]

**Subject:** Fwd: RE: Land at the Dell, Pains Hill Objection to application no 1889 for a new Village Green

**Caution:** This email originated from outside Surrey County Council.  
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**To:**

Catherine Valiant,

The Countryside Access Team, Surrey County Council,

Whitebeam Lodge,

Merrow Depot,

Merrow Lane,

Guildford,

GU4 7BQ

**From**

Paul and Carol Ann Grenville

[REDACTED]



28<sup>th</sup> June 2023

Dear Catherine,

### **Land at the Dell, Pains Hill**

### **Objection to application no 1889 for a new Village Green**

We are writing to you to object to his proposal. Pastens Road (including Tenchley's Lane) is a private road which lies adjacent to the land referred to in this application: "the Dell".

A footpath crosses the Dell field from Pastens Road / Tenchley's Lane (north-east of the Dell), down to Pains Hill (south-west).

### **Basis of the Objection**

#### **(1) The application is misleading.**

It states that the land has been used "by a significant number of... inhabitants... for lawful sports and pastimes, for a period of twenty continuous years".

This is not correct.

During the 22 years we have lived in Pastens Road, the land at the Dell has been used as follows:

- a) the footpath is used without problem by a number of people each day
- b) when there is sufficient snow, the land in the western corner is used for sledging. It is probably used for between zero and 5 days per year, by between 4 and max 20 people. Again, this activity is without problem, but it is not regular.
- c) occasionally, people sit in the Dell field, either adjacent to the

footpath or away from it. Normally, this is unproblematic, but occasionally there is loud music, fires lit and other anti-social behaviour (mainly youths). Recently these youths went further and trespassed onto the land of a resident adjacent to the field.

d) a minority of footpath users (eg some dog walkers) stray away from the footpath into adjacent fields- and have then caused damage to a fence / hedge by trying to force a new path through onto Pastens Road

We are unaware of any sports (except very occasional sledging) ever having been played there. Practically, most sports would be impossible due to the steep slope.

b) lack of suitable access

As mentioned above, the only access to the field is via a footpath which has no parking at either end:

(i) at the north-east end, the path goes up Pastens Road (a cul-de-sac). There is no right of entry into Pastens Road, except for pedestrians using the footpath, and there is no parking just outside Pastens Road either. The nearest (very small) car park is on Brick Kiln Lane, Limpsfield Chart, around 1km away from The Dell field.

(ii) at the south-west end, the path enters a narrow cul-de-sac off Pains Hill. There is no parking either in the cul-de-sac, or on Pains Hill.

c) anti-social behaviour

As mentioned above, there has already been anti-social behaviour occurring in the Dell field.

The land is very isolated with no street-lighting and therefore is attractive to some anti-social people.

d) The land is and has been clearly marked as private.

e) The land is owned by East Surrey Water Company

The water company used to collect water from this area - and may well need to do so again in the future. It is unclear as to whether the use of the land as a Village Green may conflict with the collection of drinking water.

f) ongoing maintenance

If the land is designated as a village green, who is going to maintain it ?  
eg will the council mow the grass and collect litter etc. Will the council patrol it or instal cctv to control anti-social behaviour ?

In conclusion, we object to the re-designation of this land as a Village Green. We have no objection to the existing footpath (and we have no desire to see new fences on each side of the footpath) - but we do not wish to see any increase in the anti-social behaviour which is already starting to occur and which we believe would increase if it is designated as a Village Green. We also do not wish to encourage illegal parking on Pastens Road.

Please confirm safe receipt and let us know the next steps

Thank you.

**Paul and Carol Ann Grenville**

[REDACTED]

---

[REDACTED]

**Sent:** Thursday, June 29, 2023 2:57 PM

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

[REDACTED]

**Subject:** Land at the Dell Application No 1889

**Caution:** This email originated from outside Surrey County Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

**To:**  
Catherine Valiant,  
The Countryside Access Team, Surrey County Council,  
Whitebeam Lodge,  
Merrow Depot,  
Merrow Lane,  
Guildford,  
GU4 7BQ

Dear Catherine,

I am a resident of Pastens Road and I have lived here for 30 Years.

I wish to object to the designation of the land at the Dell as a village green.

During my time here and certainly within the last 20 years, this land:

has been actively farmed with dairy cattle with the cattle trough still in place today.

Since ending of the cattle the grass land has been harvested for hay regularly.

on the few (less than 5 times) there has been enough snow sledging has taken place

no other sports have happened on the land.

We are blessed with a plethora of Public Footpaths which cross farmland locally, and which are used to walk dogs. This land has a Public Footpath running through it. There are those who only seem to want to use this field near their home rather than the extensive network locally. Some of these have entered the fields owned by the Water Board without consent and in fact have forced an entry to the fields from Pastens Road. This was achieved by breaking down the fence for access. The fence was repaired but still broken down until it was repaired more thoroughly. Those responsible were parking in Pastens Road without permission. Thankfully this action has now ceased.

The Water Board own the fields because They act as a catchment area for rain water which originally was collected at the bottom in Pains Hill at a treatment plant and then pumped up the hill again to a tank situated in Chartfield House in Pastens Road and then Gravity fed into the Oxted Water system. This use ceased some time ago because of contamination from Cess Pits leaking into the fields. Whilst the ended the use for the Public, Southern Water have dispensed and sold Grey Water from this unit to local sports clubs during periods of draught.

There has been no use by the public for sports on an ongoing basis and as such a re-designation as a Village Green is wholly inappropriate.

Those who have used the field without consent have demonstrated their lack of respect for private property and residents of Pastens Road do not want such persons to access the field from Pastens Road which is the only vehicular entry point.

I hope that this unwarranted application will be rejected.

Regards

John Pannett

[REDACTED]

[REDACTED]

**To:** [Catherine Valiant](#)  
**Subject:** FW: Land known at The Dell, Limpsfield (Application 1889)  
**Date:** 03 July 2023 13:52:42  
**Attachments:** [image001.png](#)

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**Caution: This email originated from outside Surrey County Council.  
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Dear Catherine,

I wish to object to the above application.

My understanding of a modern Village Green is that it is an area of land where local people regularly indulge in sports and pastimes such as organised or ad-hoc games, picnics, fetes and similar activities.

With the forgoing in mind, It seems that a Village Green designation would be inappropriate for the land in question and I would argue unnecessary.

### 1. Is there a need?

My first question is which village would the green be used and for which community as currently it would seem all local communities/villages are well served as follows?

Hurst Green

- Barnfield Way, Hurst Green Road
- Boulthurst Way
- Chestnut Copse recreation, The Greenway
- Coldshott playing field, Warren Lane
- Home Park playground, Hurstlands
- Mill Lane playing field, Mill Lane

Limpsfield Chart

- Limpsfield Chart, next to cricket pitch and the Common

Limpsfield

- The Glebe Field and the Common

Oxted

- Master Park

In all these areas the current facilities are well maintained , have adequate safe parking and provide the opportunity for all the activities described above

### 2. Burden of Maintenance

The burden of maintenance , higher if designated as a Village Green, lies with the landowner, in this case SSE. It seems inappropriate that the financial resource should be diverted from essential services of water delivery to the non-essential spend on an unnecessary additional Village Green

### 3. Parking

All current facilities provided adequate and safe parking facilities.

The proposed area to be designated village green has absolutely no safe public parking in the



area. In fact, any parking near the location on the public roads would be extremely dangerous.

#### **4. The topography of the land**

The topography of the land is entirely unsuitable for any of the activities as described above.



ASCENT

↗ 0 ft

TIME

4m

LENGTH

307yd

DESCENT

↘ 133 ft



I would appreciate the forgoing being considered when reviewing the application.  
I'd be grateful if you would confirm receipt of this email

Many thanks

Tony Clarke

[Redacted signature block]

9

**Sent:** Monday, July 3, 2023 8:02 PM

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

**Subject:** Objection - Land at the Dell, Pains Hill Application for a new Village Green no 1889

**Caution:** This email originated from outside Surrey County Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Catherine,

I wish to object to the below application:  
Land at the Dell, Pains Hill  
Application for a new Village Green no 1889

The factual basis of the application is incorrect. It states that the land has been used "by a significant number of.... inhabitants... for lawful sports and pastimes, for a period of twenty continuous years".

I have not seen "a significant number of inhabitants" in the field. The only people I see is the occasional dog walker. The field is mostly deserted.

On one or two occasions there have been a number of kids sledging, mainly near the path.

I have never seen any other sport or pastimes in the field. The field is on a steep slope and completely unsuited to any sports associated with a village green - such as cricket, football, tennis - due the steep slope.

The field does not satisfy the purported basis of the application of significant numbers of residents using it for lawful sport or pastimes for a period of twenty continuous years. Small numbers of dog walkers and very occasional groups of sledgers do not fulfill this definition.

Best wishes,  
Monica Bussenschutt

**Sent:** Monday, July 3, 2023 1:01 PM

**To:** Commons Villagegreens/COR/SCC <commons.villagegreens@surreycc.gov.uk>

**Subject:** Application for a new Village Green no 1889

**Caution:** This email originated from outside Surrey County Council.  
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Dear Catherine and team,

**Land at the Dell, Pains Hill**  
**Application for a new Village Green no 1889**

Please see attached our objection to this application.

The field clearly does not satisfy the purported basis of the application of significant numbers of residents using it for lawful sport or pastimes for a period of twenty continuous years. Small numbers of dogwalkers and very occasional groups of sledgers do not fulfil this definition at all.

The field has no facilities, no access for cars, and is completely unsuited to the traditional sports played on village greens.

Kind regards  
Jerry

**JERRY PAUL**  
CFO

[www.qpequity.com](http://www.qpequity.com)





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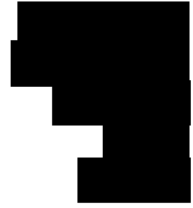
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Tendril

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Jeremy Paul



9

**FAO**

Catherine Valiant,  
The Countryside Access Team, Surrey County Council,  
Whitebeam Lodge,  
Merrow Depot,  
Merrow Lane,  
Guildford,  
GU4 7BQ

3 July 2023

Dear Catherine,

**Land at the Dell, Pains Hill  
Application for a new Village Green no 1889**

I read the notification sent to us dated 10<sup>th</sup> May 2023 with considerable concern and wish to object.

As you know, our house is on the road approaching the land in question, and as a result we already suffer from occasional nuisance from a minority of users of the land. We have no wish to see greater numbers use the land or associated footpath, encouraged by the redesignation of the field as a village green, as it would also increase the frequency of antisocial or even illegal behavior. We also believe the basis of the application is factually incorrect.

Sometimes the nuisance simply consists of strangers parking outside our house, despite it being a private road with no parking facilities for the general public. Worse, some users light fires in the field, to date none of the fires have endangered us or our neighbours.

We are concerned that encouraging greater use of the field would also result in a higher frequency of anti-social or potentially dangerous behavior. An example of this occurred in June when trespassers entered a neighborhood garden and caused criminal damage. This was notified to the police who to our knowledge have taken no action. This is highly concerning and approving the application and driving greater footfall makes us fear that larger numbers of anti-social users or trespassers will also go un-policed, causing distress to local residents.


As a result of these concerns any measures which encourage further footfall or the use of the private road by non residents will create an increased nuisance for houses adjacent to the field, including ours.

I also believe that the factual basis of the application is simply misleading. It states that the land has been used “by a significant number of.... inhabitants... for lawful sports and pastimes, for a period of twenty continuous years”. We have never seen “a significant number of inhabitants” in the field. We see the occasional dogwalker, and the field is usually deserted. On one or two occasions, when weather permits, there have been small family groups of sledgers.

We have never seen any other sport or pastime in the field, which is hardly surprising as it is on a steep slope. The field is completely unsuited to any of the usual sports one might associate with a village green and has no facilities such as public toilets, pub, café etc. Organised sporting activities such as cricket, football, tennis and so on would all be impossible due the steepness of the slope.

The field clearly does not satisfy the purported basis of the application of significant numbers of residents using it for lawful sports or pastimes for a period of twenty continuous years. Small numbers of dogwalkers and very occasional groups of sledgers do not fulfil this definition. The field has no facilities, no access for cars, and is completely unsuited to the traditional sports played on village greens. The poor access means the field is not monitored by police, and even existing levels of antisocial and illegal behavior create significant concern and inconvenience.

Yours sincerely,



Jeremy Paul