

Application Ref: CAS15A/0001/22

Proposal: Common Land Register - Section 15(8) of the Commons Act 2006: Land to the East of Tolmers, Leicester Road, Thornhaugh, Peterborough, PE8 6NL

Site: Land To The East Of Tolmers, Leicester Road, Thornhaugh, Peterborough

Applicant: Mr Martin Witherington

Reason: Not applicable for determination under delegated powers

Site visit: 20.10.2022

Case officer: Miss Molly Hood
Telephone No. 07967 318633
E-Mail: Molly.Hood@peterborough.gov.uk

Recommendation: GRANT

1 Description of the site and surroundings and Summary of the proposal

Site Description

The site forms a piece of land at the entrance to the small settlement of Thornhaugh. The site includes part of the existing single width access track, a 3.3m strip of land which runs to the east of the access track and leads into a small area of open grassland which currently has the village the notice board.

The site has a maximum length of 96.2m in length and at the greatest width measures 22m.

The Proposal

The Committee is asked to consider whether or not to register the land subject of this application as a Village Green. The application seeking Village Green status is by Mr Martin Witherington relating to land off Leicester Road, Thornhaugh.

Peterborough City Council is the Commons Registration Authority under the Commons Act 2006 which administers the Registers of Common Land and Town or Village Greens. Under Section 15 of the 2006 Act, the City Council is able to register new land as a Town or Village Green upon application.

This is not a planning application where the policies of the Local Plan or NPPF are applicable. Members are not to consider whether the site is suitable for a village green in planning terms but to confirm whether the landowner has demonstrated compliance with the legal requirements set out in the Commons Act 2006.

2 Planning History

No relevant planning history

3 Planning Policy

The application shall be made in accordance with the following legislation:

Commons Act 2006

Section 15 – Registration of Greens

4 Consultations/Representations

PCC Peterborough Highways Services

No objection.

The land in question does not form part of the public highway maintainable at public expense, therefore the LHA have no comment on this proposal.

Local Residents/Interested Parties

A public site notice was posted on the village notice board of Thornhaugh and at the application site. No public representations were received from the site notice or by any other means.

5 Assessment of the Legal Issues

On 10th October 2022 Peterborough City Council received an application for a new village green for the Land to the East of Tolmers, accessed of Leicester Road in Thornhaugh.

The application was made to register approximately 900sqm of land, which includes part of the access road into the settlement, as a Village Green.

The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 sets out the process to be followed by any applicant seeking to register a new town or village green and the process to be followed by the Commons Registration Authority.

Committee are to consider this application as the Council's Constitution does not make provision for these matters to be determined under delegated powers. It should be noted the application is purely a registration process in accordance with the legislation and the main requirement upon the applicant is to demonstrate ownership of the land.

Mr Witherington has submitted the application in accordance with Section 15(8) of the Commons Act 2006, which provides the mechanism for the owner of any land to apply to the Commons Registration Authority to register the land as a town or village green. In accordance with section 15(9), an application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.

The application has been supported by a Land Registry Title and Plan evidencing Mr Witherington's ownership of the land. Two public notices were placed in Thornhaugh, with no comments received on the application. The applicant has confirmed their ownership of the land and subsections (8) and (9) of the Commons Act 2006 have been met.

If the Land is registered as a Village Green it will be subject to the same statutory protection as other village greens and local people will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Registration is irrevocable and so the Land must be kept free from development or other encroachments.

6 Conclusions

The onus is on the Applicants to show, by their submissions and supporting evidence that, on the balance of probabilities, all of the statutory criteria under Section 15 of the Commons Act 2006 have been met in this case. The evidence illustrates the land is within the ownership of the applicant and no additional consents are required. The Applicants have demonstrated the statutory criteria with Section 15(8) of The Commons Act 2006 has been met.

7 Recommendation

The recommendation is made to GRANT the land subject of the application to be registered as a Village Green.

Copies to Councillors – Councillor Gavin Eley

This page is intentionally left blank