

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Access Strategic Manager
Title	Acceptance of the withdrawal of an application for registration of land at Dyson Drive, Winchester, as town or village green (Application No. VG 259)

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1. The decision:

- 1.1. Hampshire County Council, in its capacity as Commons Registration Authority for Hampshire, received an application under Section 15 of the Commons Act 2006, for the registration of land at Dyson Drive, Winchester, as a town or village green. It asserted that the land should be registered as town or village green because it has been used by a significant number of the inhabitants of a locality (or neighbourhood in a locality) for lawful sports and pastimes for at least 20 years, and they continue so to use it (see Appendix 1 for a location map).
- 1.2. Following the advertisement of the application, an objection was received from the owner of the land, Winchester City Council. Following a subsequent exchange of correspondence, the Applicants informed the County Council that they wished to withdraw the application.
- 1.3. Having considered the Applicants' request, along with the circumstances that led to the initial prioritisation of the application, officers consider that it is both reasonable and expedient that the application be withdrawn.

2. Reason(s) for the decision:

- 2.1. The application was submitted in 2012 by three members of the public living close to the application land. The application stated that the land should be registered as town or village green because it had been used by a significant number of the inhabitants of a locality (or neighbourhood in a locality) for lawful sports and pastimes for at least 20 years, who continued to so use it. Due to a backlog of applications the matter was not taken up for investigation immediately but was subsequently expedited under the County Council's policy for prioritising village green applications, due to development proposals relating to the land.

- 2.2. In accordance with the Commons (Registration of Town or Village Greens)(Interim Arrangements)(England and Wales) Regulations 2007, the application was advertised by the County Council in September 2020, and an objection was received from WCC.
- 2.3. The County Council considered this objection and, in accordance with the 2007 Regulations, invited the Applicants to respond. After an initial request for further time, the applicants eventually replied in August 2021 to confirm that, having considered the matter further, they no longer wished to pursue the application and wished to withdraw it.
- 2.4. There are no specific provisions within the legislation for an applicant to withdraw an application. However, in *Oxfordshire County Council v Oxford City Council and Robinson [2005]* (the 'Trap Grounds' case), the Court of Appeal agreed with the comment that a registration authority does not have to proceed with an application that the applicant does not wish to pursue (whether wholly or in part) where it is reasonable that it should not be pursued. The House of Lords did not disagree with this view when it considered the case.

3. Other options considered and rejected:

- 3.1. It is open to the County Council to decline the Applicants' request to withdraw the application and determine it based on the available evidence. Having discussed the matter with Hampshire Legal Services, officers do not consider that this would be expedient, bearing in mind the withdrawal of support for the application, the additional officer time that would be involved in determining the matter, and the need to reach a swift determination which gave rise to the application being expedited in the first place (due to the land being identified for imminent development).

4. Conflicts of interest:

- 4.1. N/A

5. Dispensation granted by the Head of Paid Service:

- 5.1. None

6. Supporting information:

- 6.1. Appendix 1 - Location Map

Approved by:

Date:

_____ (signature)

26/08/2021

Jonathan Woods – Countryside Access Strategic
Manager

On behalf of the Director of Culture Communities and
Business Services

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

File: VG259

Location

Countryside Access Team
Castle Avenue
Winchester
SO23 8UL

IMPACT ASSESSMENTS:

1 Equalities Impact Assessment:

N/A

2. Impact on Crime and Disorder: N/A

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption?

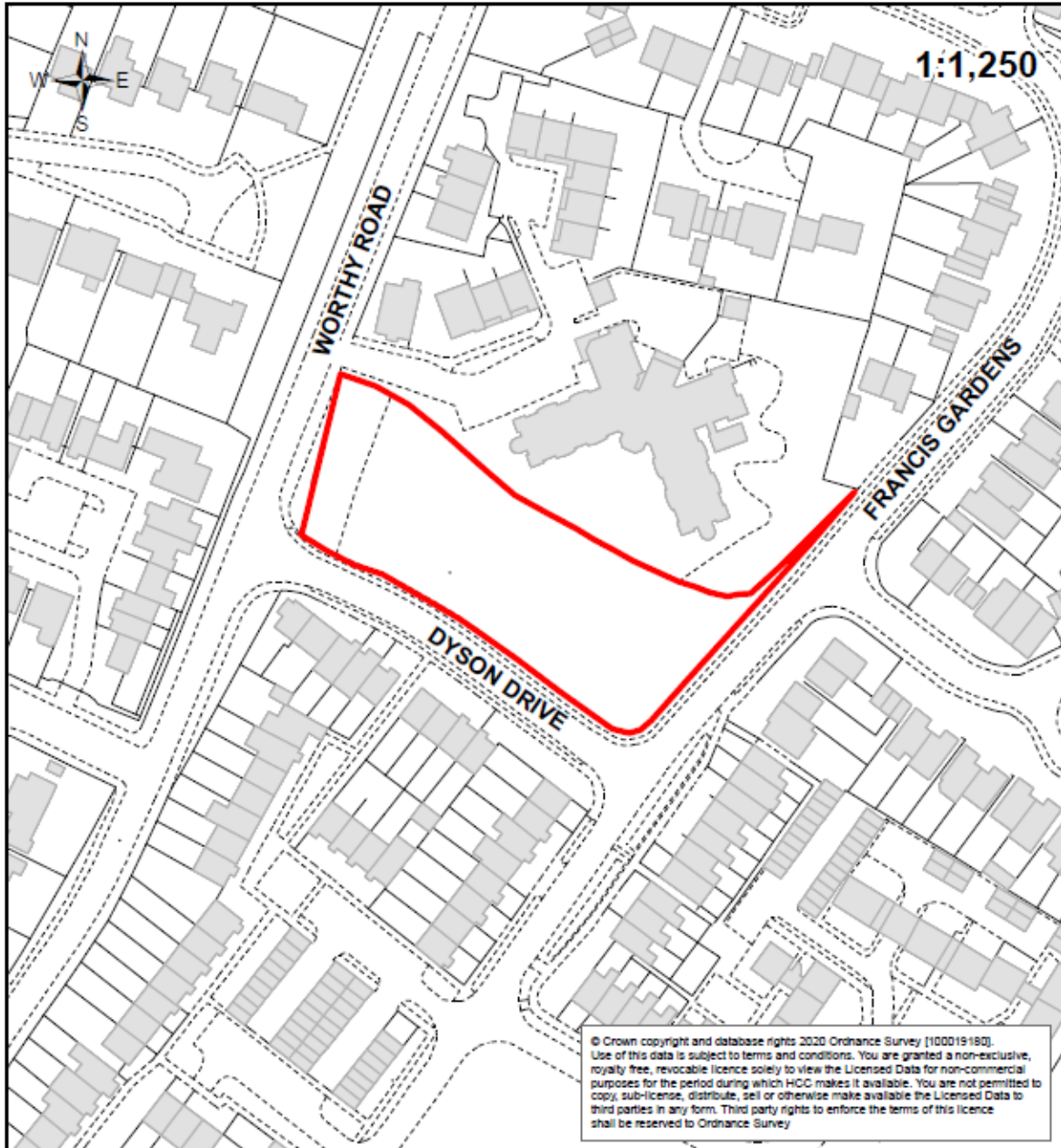
N/A

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? **N/A**

Appendix 1 – Location Map



Commons Act 2006 - Section 15(1) Notice of an application for the registration of land as a town or village green



 Hampshire
County Council
Countryside Access Team
Culture Communities and
Business Services
Castle Avenue
Winchester
SO23 8UL

DYSON DRIVE, WINCHESTER



Approximate extent of land
subject to this application