

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

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| Decision Maker | Jo Heath – Assistant Director, Natural Environment & Recreation |
| Title | Acceptance of the withdrawal of an application for registration of land at Tennis Court Field, Barton Stacey, as town or village green (Application No. VG 263) |

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1. The decision:

- 1.1. In 2013 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 Tennis Court Field, Barton Stacey, as a town or village green. The application sought to register the land on the basis that it had been used by a significant number of the inhabitants of a locality for lawful sports and pastimes for at least 20 years up until the time the application was submitted (see Appendix 1 for a location map).
- 1.2. Following the advertisement of the application, the Applicant contacted the County Council stating that due to a change in the circumstances surrounding the application land, they wished to withdraw the application.
- 1.3. Having considered the Applicant's request to withdraw the application, along with all other available information, officers consider that it is reasonable for the request to be accepted.

2. Reason(s) for the decision:

- 2.1. The application was submitted in 2013 by a local resident who lived 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 do so at the time the application was submitted. Due to a backlog of applications the matter was not taken up for investigation immediately.
- 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 May 2022, following which an objection was received from the landowner. The County Council also received a response from the Applicant, who confirmed that the application land was now likely to enjoy additional protection from development as a result of the publication of the Barton Stacey Village Design Statement (Supplementary Planning Document). This document, which post-dated the application, documents the importance of open space in Barton Stacey with specific reference to Tennis Court Field. In light of this, as well as significant opposition from large parts of the local community when the application was advertised, and having identified no-one else who was minded to take the application on, the Applicant confirmed that they no longer wished to pursue the application and wished to withdraw it.

- 2.3. There is no specific provision within the relevant legislation for an applicant to withdraw an application to record a town or village green. However, in *Oxfordshire County Council v Oxford City Council and Robinson [2005]* the Court of Appeal agreed 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. In this instance, given the withdrawal of support from the Applicant (and the lack of anyone willing to take their place) alongside the additional protection the land now enjoys, officers consider that on balance, it is reasonable not to pursue the investigation of the application.

3. Other options considered and rejected:

- 3.1. It is open to the County Council to decline the Applicant's request to withdraw the application and determine it based on the available evidence. Officers do not consider that this would be a proportionate use of resources, bearing in mind the Applicant's withdrawal of support for the application, the level of opposition to the application now felt within the local community, and the fact that the land is now better protected under current planning policies.

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: 21/06/2022



Jo Heath – Assistant Director. Natural Environment & Recreation

On behalf of the Director of Culture Communities and Business Services

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

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| 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: VG263

Location

Countryside Access Team
Three Minsters House
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?

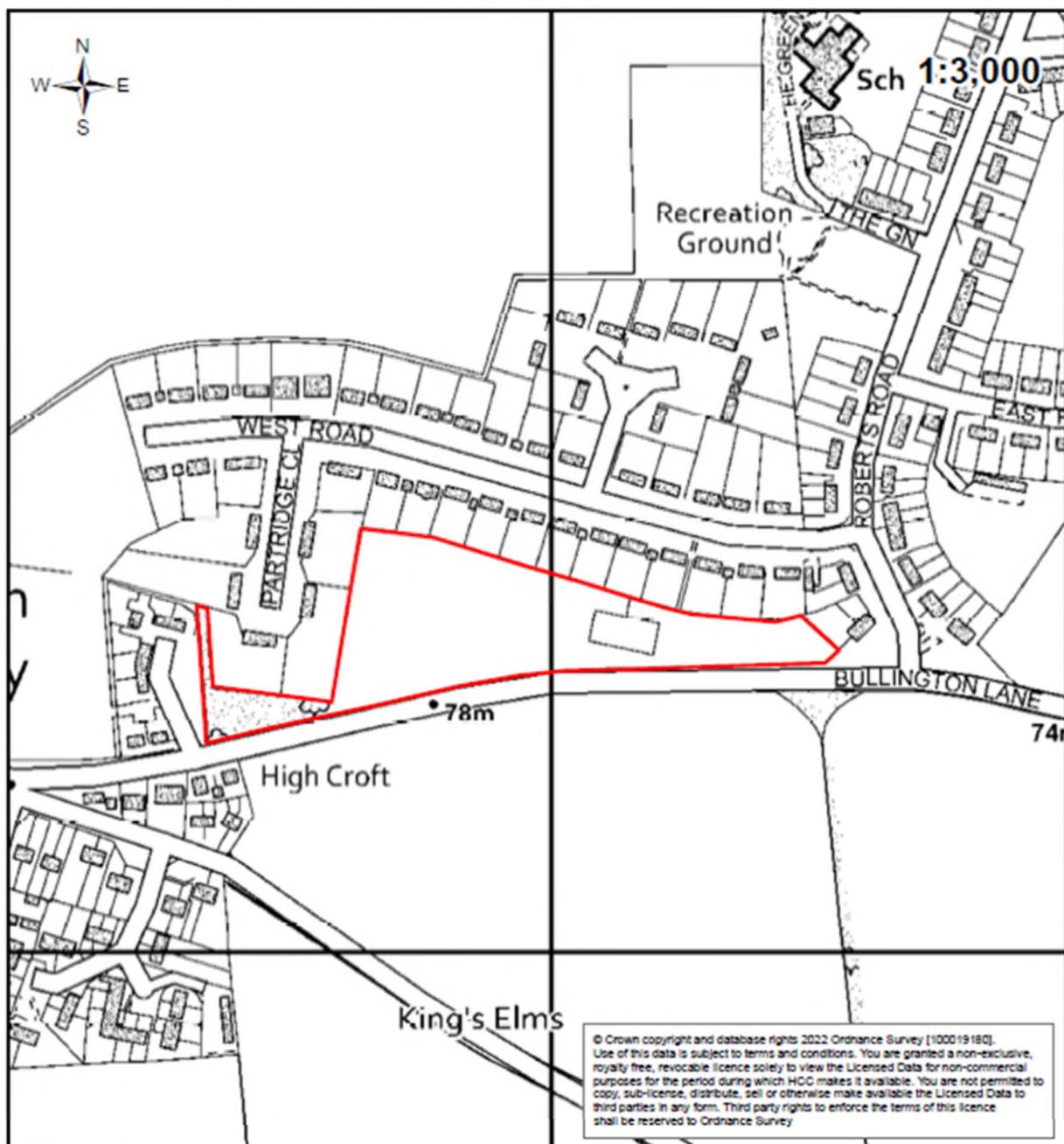
N/A

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)

Application for the registration of land
as a town or village green



TENNIS COURT FIELD, BARTON STACEY

 Approximate extent of land
subject to this application