

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Access Group Manager
Title	Application for registration of land at Borough Hill, Petersfield, as town or village green (VG276)

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1. The decision:

- 1.1. Hampshire County Council is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. An application (ref. VG276) has been made by Petersfield Town Council under Section 15(8) of the Commons Act 2006 for the voluntary registration of land at Borough Hill, Petersfield ('The Land') as a town or village green. The Town Council is the freeholder of the land, and the Registration Authority is therefore required to grant the application provided other conditions are met. Those conditions appear to be met in this instance, and so it follows that the application must be accepted.
- 1.2. The voluntary application follows the earlier submission of an application (VG261) to register land at Borough Hill under Section 15(2) of the 2006 Act, on the basis that the land had been used for lawful sports and pastimes, as of right, for a period of at least twenty years. It is considered that the Town Council's voluntary application should be accepted so as to formally dispose of the majority of the area claimed in application VG261, enabling the County Council to focus on a reduced area of land that forms the remainder of that application.

2. Reason(s) for the decision:

- 2.1. Application VG261 was received in 2013. It concerned an area of open space at Borough Hill playing area, which is managed by the Town Council. Due to a backlog of applications, it was not picked up for investigation until earlier this year. In recognition of the fact that the application was unlikely to succeed (insofar as it affected land within the Town Council's ownership) pursuant to the Supreme Court's decision in *Barkas v North Yorkshire County Council [2013]*, which concerned land owned and maintained as open space by public authorities, the Town Council opted to voluntarily register the land as a means of overcoming this issue.
- 2.2. The Town Council's application to voluntarily register the land was received on 28th July 2022. The land which is subject to the voluntary application is shown hatched green on the attached plan. The application is "duly made" for the purposes of the Commons Act 2006 and the Town Council's ownership of the land has been verified.

- 2.3. For land to be registered voluntarily as town or village green, it is necessary under section 15(9) that the consent of any leaseholder or proprietor of any charge over the land should be obtained. Further, the requirements of Regulation 7 of the 'Commons (Registration of Town or Village Greens) (Interim Arrangements) (England and Wales) Regulations 2007 ('the Regulations') should be satisfied in that the applicant should be owner of the land, and that the necessary consents under Section 15(9) (which require the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land) should have been obtained. The Town Council has confirmed that there are no other parties with a legal interest in the Land.
- 2.4. That part of application TVG261 not falling within the Town Council's ownership is not subject to the same restrictions imposed by relevant case law, and will therefore still stand to be determined. Accordingly, it will be advertised in due course and determined based upon the strength of the supporting evidence.

3. Other options considered and rejected:

3.1. N/A

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. Location Map

Approved by:

Date:

_____ (signature)

02/08/2022

Jonathan Woods – Countryside Access Group Leader

**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

Reference: Land at Borough Hill,
Petersfield - VG276

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:

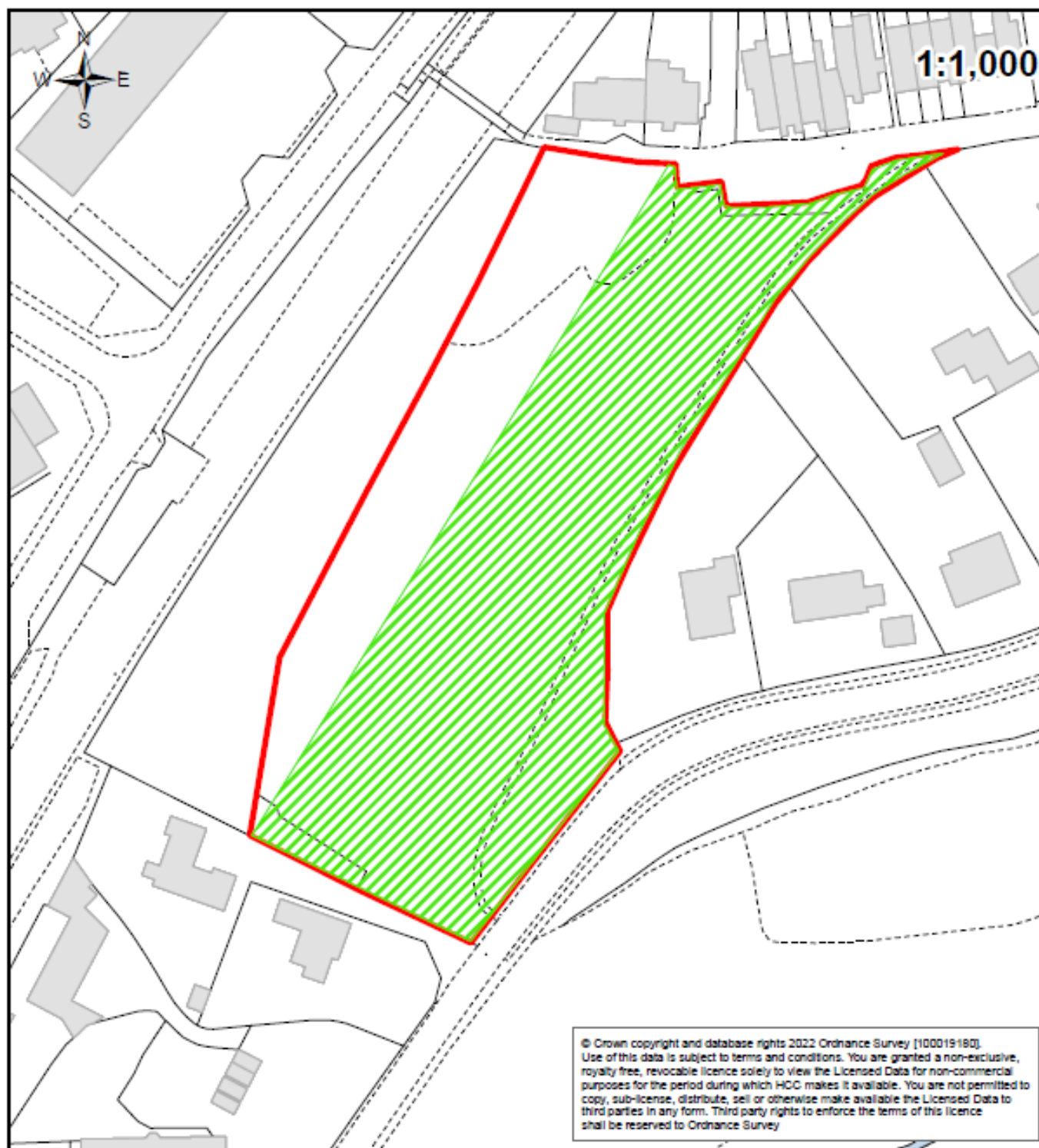
How does what is being proposed impact on our carbon footprint / energy consumption?

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**


Commons Act 2006 - Section 15(1)

Notice of an application for the registration of land
as a town or village green



BOROUGH HILL, PETERSFIELD

 Approximate extent of land subject to 2013 application

 Land to be voluntarily registered by Petersfield Town Council