

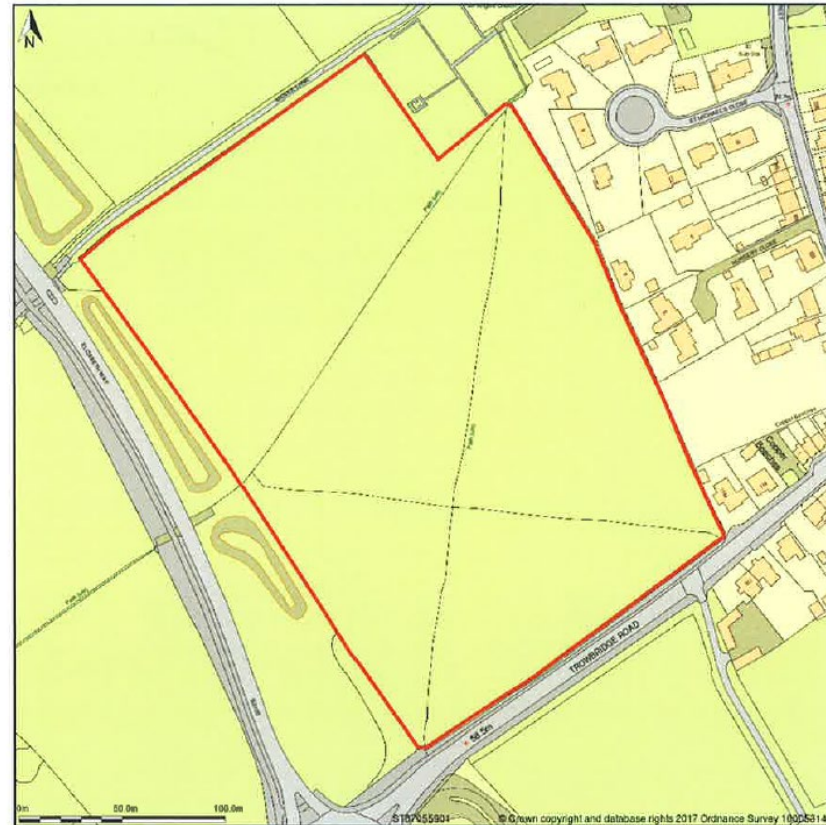
# Western Area Planning Committee

20 January 2021

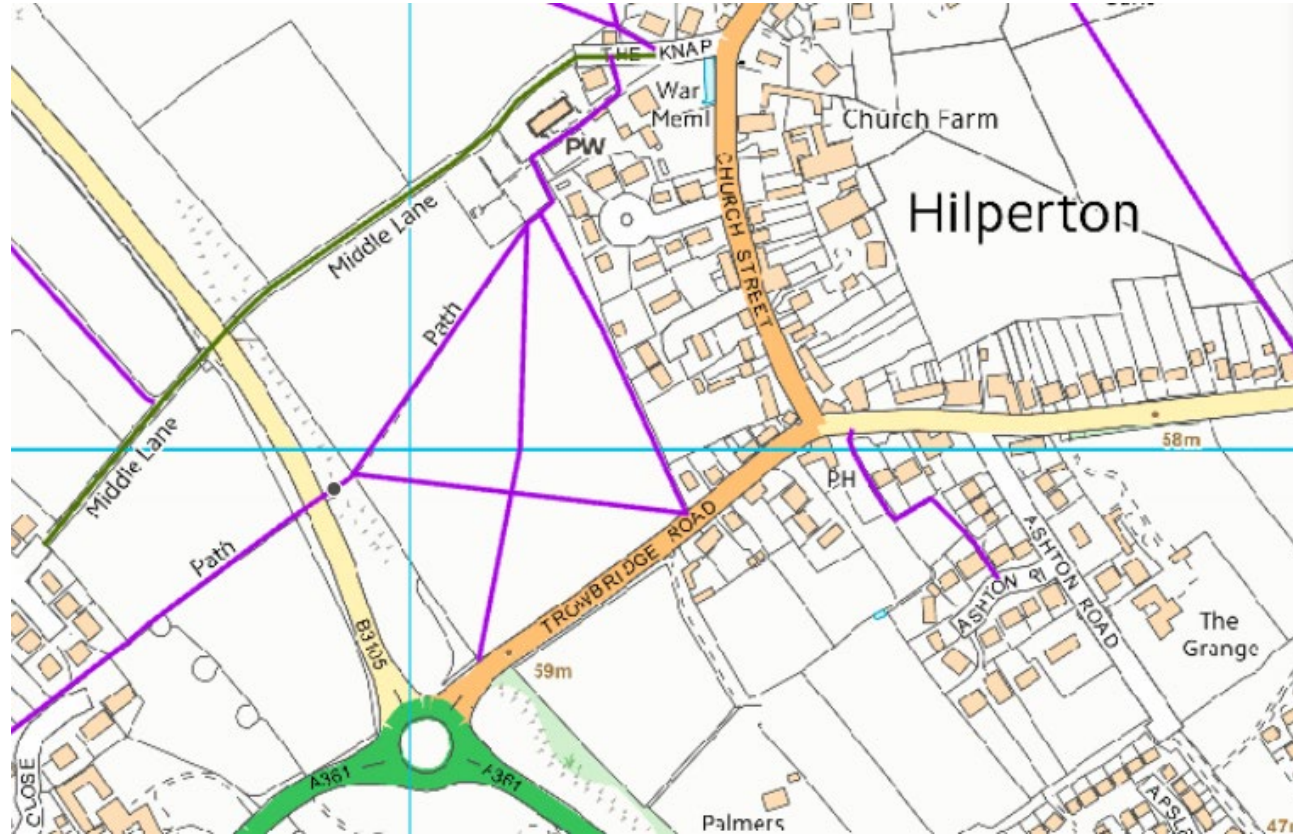
# Commons Act 2006 s.15

Application to register land at  
Church Field, Hilperton as a  
Town or Village Green

# The applicant land



Rights of way at the site  
Purple = footpath Green = bridleway



## The legal test – Commons Act 2006 s.15(1)(2)

- *(2) This subsection applies where –*
- *(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and*
- *(b) they continue to do so at the time of the application.*



- Application received 24 April 2017
- Application advertised 21 July 2017 until 04 September 2017
- Decision of Western Area Planning Committee at their meeting 06 March 2019 to appoint an expert in this area of law to hold a non-statutory public inquiry and to produce an advisory report
- Non-statutory public inquiry held virtually at the end of September 2020
- The Inspector's report is appended at Appendix 3
- The Inspector's recommendation is that:
- *In light of the above discussion, I recommend that the application to register the application land (proceeding under application number 2017/01) should be rejected on the ground that the criteria for registration laid down in section 15(2) of the CA 2006 have not been satisfied.*
- The reasons for this recommendation are:

- *145 “Put shortly, the predominant use of the application land during the relevant period was for walking, with or without dogs, on four PROW and a circular path (and its offshoots) running around the outside of the application land which would not have justified registration as a matter of law as it would not have suggested to a reasonable landowner the exercise of a right to indulge in LSP across the whole of the application land. Other claimed uses taking place outside these paths were either incidental to the primary use of the paths or else were too trivial or occurred only sporadically and, either alone or collectively, would not have been sufficient in terms of duration, nature or quality to support registration.*
- *146. The CRA must give written notice of its reasons for rejecting the application. I recommend that the reasons are stated to be “the reasons set out in the Inspector’s report dated 19 November 2020”.*