



Committee and Date

Southern Planning Committee

27 September 2022

## **Application to Register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green**

**Responsible  
Officer**

Tim Collard

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### **1. Synopsis**

This report relates to an application made under section 15(8) of the Commons Act 2006 to register Land at Sidney Road and Charlton Rise, Ludlow as a Town green ("the Application").

### **2. Executive Summary**

2.1 On 17 February 2021 the Council as Commons Registration Authority received an application from Mr Bernard Quinn for and on behalf of Connexus Homes Limited to register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green under section 15(8) of the Commons Act 2006 ("the 2006 Act").

2.2 The Procedure in relation to applications to which section 15(8) of the 2006 Act applies is laid out in regulation 7 of The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ("the 2007 Regulations") which states that:

*Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that—*

- (a) the applicant is the owner of the land; and*
- (b) any consents which are required by section 15(9) of the 2006 Act have been obtained*

2.3 As explained below, these requirements have been met so that the Council as registration authority must register the land as a Town Green. This function has been delegated by full Council to Southern Planning

Committee as set out in Part 3 of the Council's Constitution in the section headed "Responsibility for Council Functions".

### **3. Recommendations**

- 3.1 That the Application be accepted, and the land shown edged green on the plan accompanying the application be added to the Register of Town and Village Greens for the reasons set out in this report.

## **REPORT**

### **4. Risk Assessment and Opportunities Appraisal**

#### **4.1 Human Rights Appraisal**

The contents of the report are compatible with the provisions of the Human Rights Act. The landowner has made the Application, the charge holders have given their consent, and no publication of the Application is required by the relevant legislation.

#### **4.2 Environmental Appraisal**

The procedure for considering this application will have no environmental implications

#### **4.3 Equalities Appraisal**

The contents of this report do not raise any equalities issues.

#### **4.4 Risk Management Appraisal**

This Report deals with the processes to be followed to fulfil the Council's statutory duty. Risk management has been appraised as part of the consideration of this Report.

#### **4.5 Community / Consultations Appraisal**

No consultation upon the matters contained in the Application is required under the Commons Act 2006 because the Application has been made on a voluntary basis by the landowner.

## 5. Financial Implications

5.1 The matters contained in this report do not give rise to any financial implications for the Council.

## 6. Climate Change Appraisal

6.1 There are no direct climate change implications as a result of this report.

## 7. Background

### The Application

7.1 On 9 February 2022 the Council as Commons Registration Authority received an application from Mr Bernard Quinn for and on behalf of Connexus Homes Limited to register Land at Sidney Road and Charlton Rise, Ludlow as a Town Green under section 15(8) of the Commons Act 2006 ("the 2006 Act").

### The Law

7.2 The relevant parts of Section 15 state that: -

*(8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.*

*(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.*

*(10) In subsection (9)—*

- *"relevant charge" means—*
  - (a) in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);*
  - (b) in relation to land which is not so registered—*
    - (i) a charge registered under the Land Charges Act 1972 (c. 61); or*
    - (ii) a legal mortgage, within the meaning of the Law of Property Act 1925 (c. 20), which is not registered under the Land Charges Act 1972;*

- *"relevant leaseholder" means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.*

7.3 'Owner' is defined by section 61(3) of the 2006 Act which states that:

*(a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;*

*(b) references to land registered in the register of title are references to land the fee simple of which is so registered*

7.4 The Procedure in relation to applications to which section 15(8) of the 2006 Act applies is laid out in regulation 7 of The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ("the 2007 Regulations") which states that:

*Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that—*

*(a) the applicant is the owner of the land; and*

*(b) any consents which are required by section 15(9) of the 2006 Act have been obtained.*

## **The Application**

7.5 The Land Registry title to the land shows that it is registered, with title absolute, to Connexus Homes Limited, under title number SL76361 and therefore satisfies section 15(8)(a) of the 2006 Act.

7.6 For land to be registered voluntarily as a town or village green, it is necessary under section 15(9) for the applicant to show that the consent of any leaseholder or proprietor of any charge over the land has been obtained. The Applicant has confirmed and provided sufficient evidence to establish that there are no relevant leases or charges affecting the application land.

7.7 The Committee is advised that the requirements for the applicant to prove ownership of the land and consent of any leaseholders and charges have been met. Once the Committee is satisfied that the requirements of section 15(8) and section 15(9) of the 2006 Act

have been met, registration is a mandatory statutory requirement pursuant to Regulation 7 of the 2007 Regulations.

## 8. Conclusions

- 8.1 As all the statutory criteria for voluntary registration under sections 15(8) and 15(9) of the 2006 Act have been met registration of the land as a village green is mandatory pursuant to Regulation 7 of the 2007 Regulations.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Cabinet Member (Portfolio Holder)**

Gwilym Butler

**Local Members**

Tracey Huffer/Vivienne Parry

**Appendices**

- (a) Plan of application land.