



Report to Service Director – Highways and Technical Services

Application Number:	140 & 141
Proposal:	To register land as Town or Village Green
Site location:	Land at Lye Green, near Chesham, Buckinghamshire
Applicant:	Brown Not Green Ltd
Case Officer:	Helen Francis
Ward affected:	Newtown and Hilltop and Townsend
Parish-Town Council:	Chesham Town Council
Determination date:	18 September 2023
Recommendation:	<p>The recommendation is that the recommendation and conclusion in the “Report To Buckinghamshire Council As Registration Authority On An Application To Register:</p> <p>Land At Lye Green, Chesham, Buckinghamshire As A Town Or Village Green Pursuant To Section 15 Commons Act 2006” (“the Inspector’s Report”) should be adopted and the applications be REJECTED and the land at Lye Green, near Chesham, Buckinghamshire will not be registered as Town or Village Green</p>

1. Summary and purpose of this report

- 1.1 The purpose of this report is to adopt the recommendations of the Inspector’s Report in relation to two applications (“the Applications”) to register land at Lye Green, Chesham, Buckinghamshire (“the land”) as a town or village green, pursuant to section 15 of the Commons Act 2006 (“the 2006 Act”) which were submitted to Buckinghamshire Council, as the registration authority (“the Registration Authority”).

- 1.2 The Applications were made by Brown Not Green Ltd on 31 October 2020. Two objections were received, from Geltex Properties Ltd and W.J. and M. Mash. A later objection was received from Countryside Properties Ltd.
- 1.3 An independent inspector was appointed by the Registration Authority to consider the evidence and provide the Registration Authority with a report and a recommendation.
- 1.4 Mr Daniel Stedman-Jones was appointed as the inspector (“the Inspector”) and provided the Registration Authority with a report and recommendation (Appendix 1). The report follows site visits and a non-statutory public inquiry which took place on 21-24 and 28-30 March 2023.

2. The Law

- 2.1 Under Section 15(1) of the 2006 Act, anyone may apply to a Commons Registration Authority to register land as Town or Village Green (“TVG”). In order for the land to be so registered the test as prescribed by s15 must be met.

Procedure

- 2.2 The Registration Authority complied with the requirements of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007/457 (“the **2007 Regulations**”). The Applications were published, notified and advertised in accordance with regulation 5 of the 2007 Regulations. A consultation period ran from 21 October 2021 to 1 December 2021.

Effect of registration

- 2.3 Once land has been registered as a TVG by the commons registration authority it is subject to the same statutory protections as all other registered greens. Local residents will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Registration as a TVG is irrevocable and so land must be kept free from development and other encroachments. Any subsequent disposal by the registered freeholder does not alter the right of recreational use.

Human Rights Act 1998 implications

- 2.4 Article I of the First Protocol concerns the non-interference of the peaceful enjoyment of private property. This right is subject to conditions and interference with this right may be permitted if the need to do so is proportionate. While registration of privately owned property could potentially breach Article 1, the Council is required under primary legislation to determine village green applications.

3. Inspector's Report, Conclusion and Recommendation

- 3.1 It is recommended that the Conclusion and Recommendation as provided in the Inspector's Report be adopted; the Applications must be rejected and registration of the Application Land as a TVG refused.

Appendix 1

Report To Buckinghamshire Council As Registration Authority On An Application To Register:

Land At Lye Green, Chesham, Buckinghamshire As A Town Or Village Green Pursuant To Section 15 Commons Act 2006

For further information please contact Helen Francis

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