

**Commons Act 2006: Section 15(2)**

**Application for the registration of land as a Town Green**

**SUPPLIMENTARY INFORMATION**

<b>Summary information to assist the Surveying Authority</b>	
Modern Explorer Map	Romsey, Andover and Test Valley 131
Request	Register The Land known as Ladies Walk Down (East) as a Town Green.  Grid reference of at centre of Ladies Walk Down (East): SU37794552
The Applicant	Paul Howland of 71 Springfield Close, Andover, SP102QR.  The applicant has lived and walked in Hampshire since 1986, is a member of the Open Spaces Society and the Ramblers Association and was Footpath Secretary for the Andover Ramblers for several years.

**1 The Application Area**

**1.1 Introduction**

- a. Applicant Reference: LWD(E) 1
- b. Name of the Land: Ladies Walk Down (East)
- c. Civil parish: Andover
- d. Land area central grid reference: SU37794552
- e. Land Description: The Land is an area of around 22 acres of chalk downland and is referred to by the Hampshire Biodiversity Information Centre as “Ladies Walk Down”. In order to avoid confusion with the fields to the west of The Land, occupied by Test Valley Borough Council and which are also referred to, by them as “Ladies Walk Down”, the applicant suggests that The Land should be recorded as “Ladies Walk Down (East)”. The southern border of The Land is Andover 4 which is a historic footpath known as Ladies Walk. The northern boundary is defined by the garden fences of houses along Highlands Road, Winton Chase, Springfield Close and London Road. The west boundary of the Land is a registered common shown on the DEFRA Magic mapping tool (ID: 26123, Name: The Chalk Pits, Common Land Number: CL302) and a small play area. The east boundary is pavement running from London Road to Picket Twenty that runs parallel to the A3093 road. The Land is shown on a 1:2500 map in figure 1 and also attached separately to this application.
- f. The applicant asserts that the evidence provided in this application confirms that a *significant number of the inhabitants* in the community living within the *identified*

*neighbourhood have indulged as of right, in lawful sports and pastimes, for a period of at least 20 years, and continue to do so at the time of the application and the period of grace in accordance with the regulations stipulated in section 15(2) of the Commons Act 2006.*

- g. In order to gather evidence of use on The Land over the required period the applicant with a team of volunteers, first leafletted the neighbourhood described below. 1000 leaflets were delivered to houses in the area shown in figure 2. This area was chosen because of its proximity to The Land. Constraints of both time and finance precluded the leafletting of every house in the neighbourhood. The leafletting resulted in over 180 responses and resulted in the completion of over 120 user evidence questionnaires. One questionnaire was provided for each household but several were signed by more than one occupant. Leaflets were also offered to people as they walked on The Land.

The Picket Twenty development is a relatively recent development. Building started in around 2010 and was continuing at the time of this application. For that reason, this area was not leafletted.

Houses along the road known as Picket Twenty that runs parallel to the A 3093 to the west of the Picket Twenty development predate the application 20 year period and direct contact was made with several residents there.

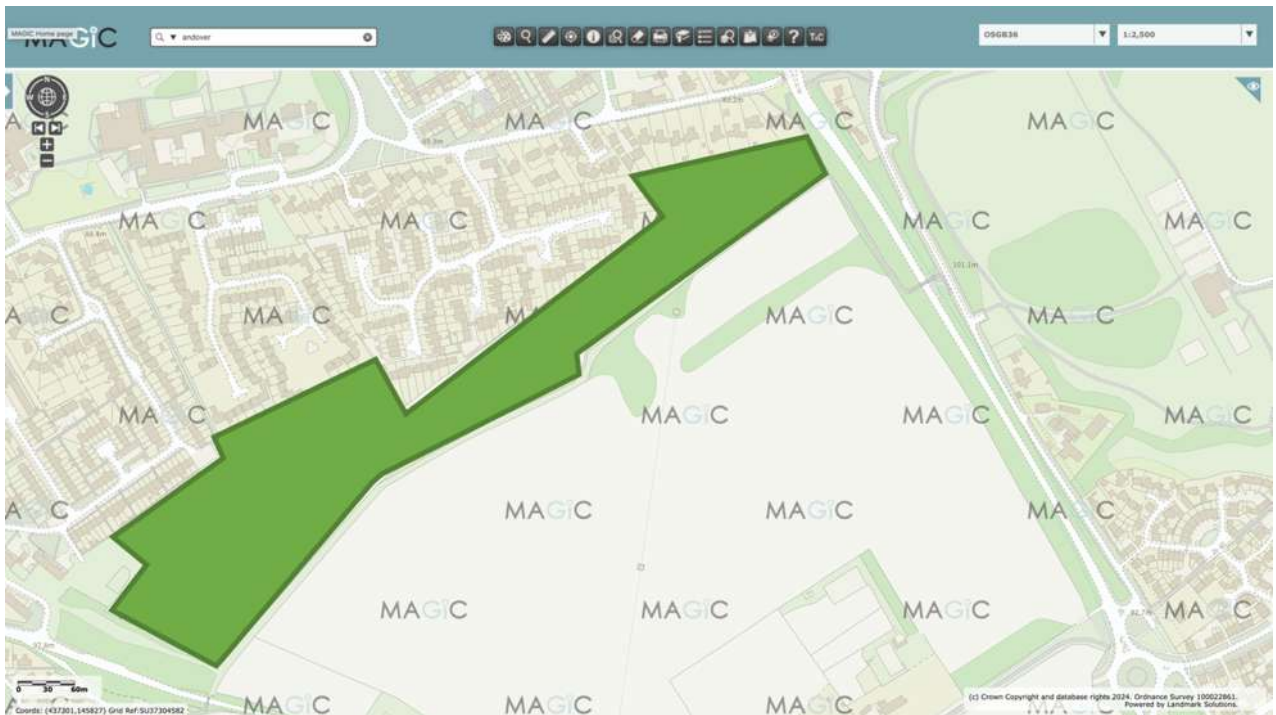


Figure 1. Map 1:2500 showing The Land in dark green.

Source: DEFRA Magic mapping tool.

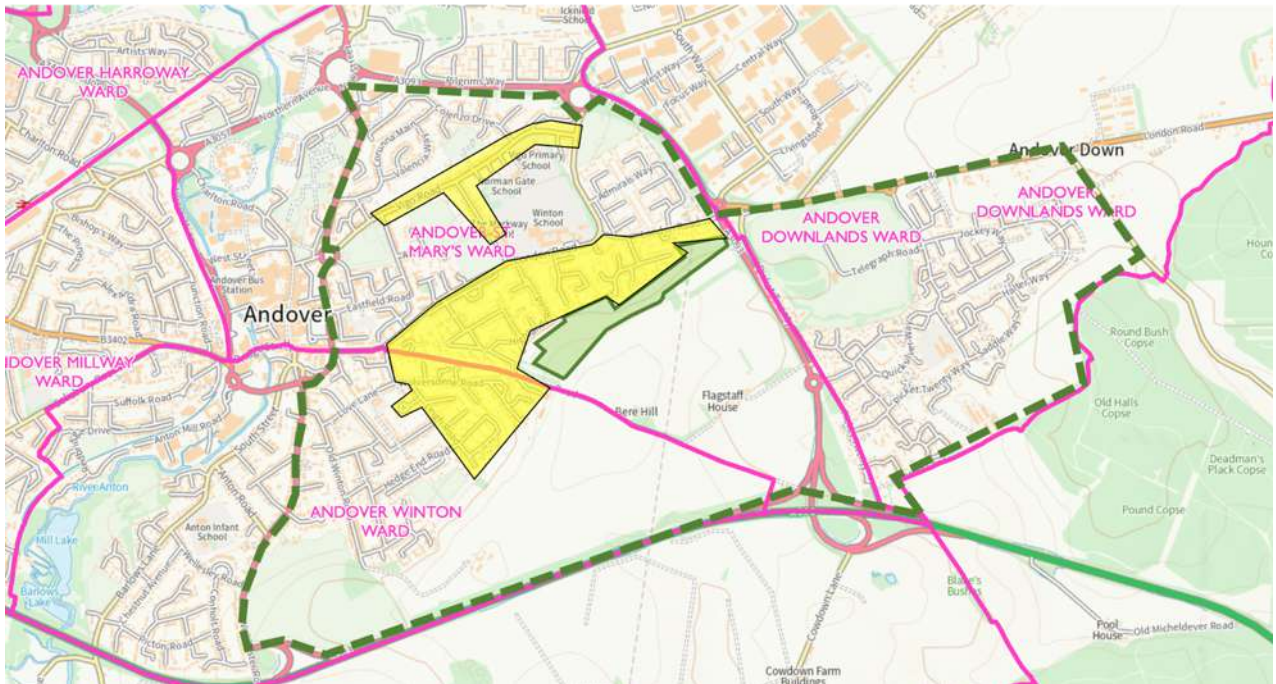


Figure 2. Map showing The Land shaded in green, the leafletted area shaded on yellow and the neighbourhood enclosed by the green dashed line.

Source: DEFRA Magic mapping tool.

## 1.2 History and Description of The Land

- a. The Land comprised two land plots (Land Registry title numbers: HP700262 and HP84974) as shown by the Land Registry maps in figure 3. After purchase by the then owner Peter Snow these fields were amalgamated to form an area referred to as The Land.
- b. Prior to 1989 The Land was used as a holding field for cattle awaiting delivery to the Appleshaw slaughterhouse and both the land parcels were combined for that purpose. During the times between cattle deliveries when the field was empty people entered the field via the gate off Highlands Road or via gates and stiles from the gardens adjacent to the field. After 1989/1990 cattle were no longer kept in the field and it served no agricultural purpose since then.
- c. By 1996 The Land was regularly used by the general public for a variety of recreational uses such as picnicking, walking, dog walking and playing as illustrated by the well-worn path shown in figure 5.
- d. In 1998 the Hampshire Biodiversity Information Centre surveyed Ladies Walk Down and designated the Land as "Public Access". By this time secondary woodland was already apparent on the land as illustrated by the photographs in figures 6 and 7.
- e. In 2009 the secondary woodland was cleared as shown in figure 8.
- f. In September 2008, the Hampshire Biodiversity Information Centre surveyed Ladies Walk Down again. the surveying ecologist, Ian Ralphs HBIC, commented that "the site is unmanaged and is rapidly developing secondary woodland". He also noted that the usage

was “dog walking”.

- g. In around 2015 the owner began mowing the field once or twice a year, as shown in figure 10 and this continued up to around 2021. Hay was never baled and the applicant is uncertain as to why this was done. The fire risk from dry grassland may have been the motivation as several minor fires had occurred prior to this period.
- h. In 2017 Peter Snow, the then owner of The Land, died.
- i. Throughout the period from around 1990 to the present day (2024) The Land was used by the general public and evidence of this is confirmed by the multiple paths apparent in the aerial photographs of The Land, available from Google Earth from 2000 to 2022 and shown in appendix 1.
- j. In the 1980’s The Land was fenced in order to contain cattle kept in the field. The boundary fencing was poorly maintained and in places the farmer relied on the fencing provided by garden fencing where it was adjacent to gardens along the east end of London Road and the Springfield Close estate. Occasional cattle escapes were testimony to the poor upkeep of the fencing. The applicant had a cow in his garden on one occasion sometime between 1987 and 1989.

When cattle were no longer kept in the field, the fencing was not maintained and rapidly degraded all around The Land. By 2004 there were at least 12 major entrances to The Land and multiple minor entrances through the hedging on the south side of The Land as shown on figure 11 and in appendix 2. Remnants of the original barbed wire fencing are only visible in a few places today, mostly within hedges and undergrowth.

There have never been and are currently no signs at any points around The Land indicating that public access was/is not permitted. The applicant has walked on The Land since 1987 and has at no time seen signs suggesting public access was denied. No new fencing has been installed since at least 1990. The user evidence questionnaires confirm these observations.

- k. It is important to understand that The Land provides spectacular views across Andover and is easily accessed from both the east and its west sides via the historic public footpath (Andover 4) known as Ladies Walk. Within Ladies Walk, the views are largely obscured by vegetation, especially in summer, but from the high, southerly side of The Land it is possible to see Sidbury Hill (8 miles to the west), Combe Gibbet (9 miles to the north) and Ashley Warren near Watership Down (9 miles to the east).

Although Picket Twenty and other parts of the neighbourhood have green spaces for play and sport, the spectacular views from The Land make it a popular place to walk, dog walk, picnic and play for the wider neighbourhood.

The Land is also noted for its biodiversity and this attracts people from the neighbourhood

to use it for recreational purposes such as bird watching and nature walks. Notable birds regularly seen around The Land are peregrine falcons, sparrow hawks, kestrels, red kites, buzzards, siskin, gold finches, green finches, tree creepers and owls. Bats, slow worms and early in the morning foxes and deer are also often seen. Butterflies and bees also proliferate during the warmer months feeding on the many different flowering chalk downland flowers that include orchids. The Land Supports five birds on the red list including starlings, house sparrows, song thrushes, swifts and greenfinches.

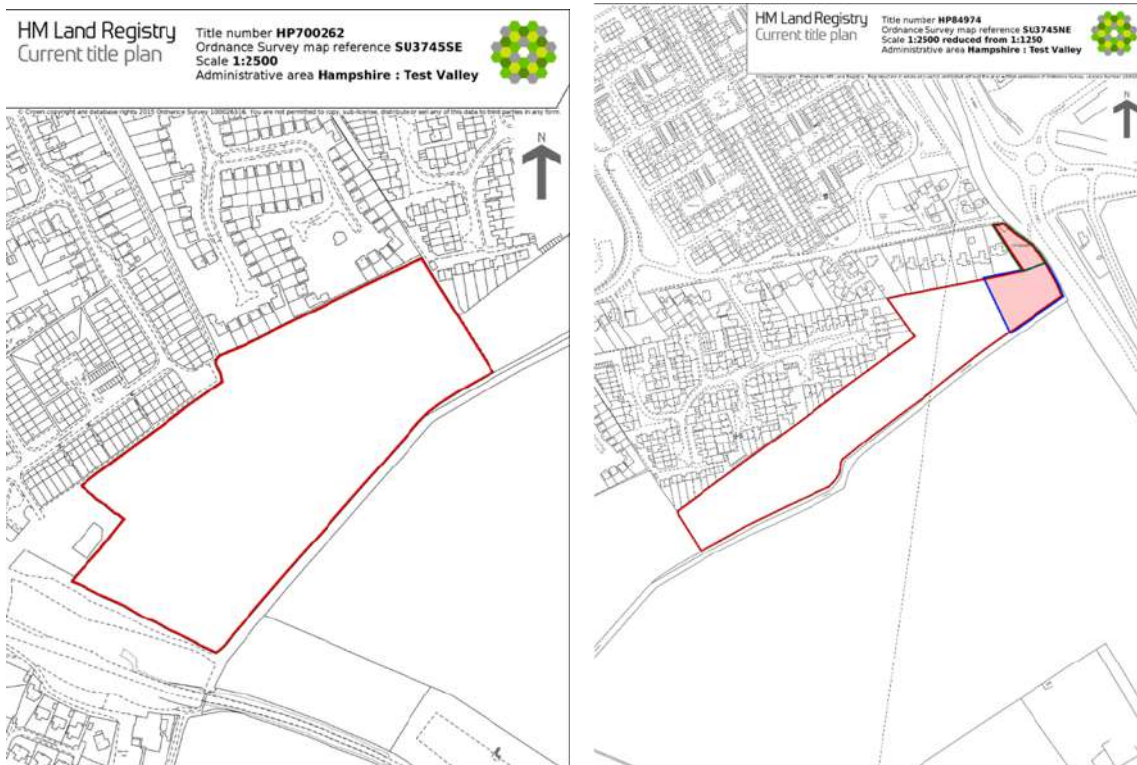


Figure 3. Showing the exact outline of The Land on the two land title (HP700262 and HP84974) maps taken from the Land Registry record of 8<sup>th</sup> June 2020.

Source: Land Registry 2020



Figure 4. Showing an aerial photograph of The Land taken in 2022.

Source: Google 2024



Figure 5. Showing the well-worn path on the south side of The Land in 1996

Source: Applicant photo



Figure 6. Showing the ingress of secondary woodland on The Land in 2004

Source: Applicant photo



Figure 7. Showing the ingress of secondary woodland on The Land in 2008

Source: Applicant photo



Figure 8. Showing scrub removal on The Land in 2009

Source: Applicant photo



Figure 9. Showing The Land in 2019

Source: Applicant photo



Figure 10. Showing grass cutting on The Land in 2020

Source: Applicant photo



Figure 11. Showing the entrances to The Land since 2004. The numbered entrances are commonly used and the black dots represent minor entrances occasionally used.

Source: Base map DEFRA Magic mapping tool

### 1.3 Description of neighbourhood

- a. **The locality** chosen for this application is Andover Civil Parish.
- b. **The Neighbourhood** is defined as that part of Andover Civil Parish enclosed on the north and west sides, by the A3057, the B3400 and the Middleway roads respectively and to the south the parish boundary.

Neighbourhoods are not clearly defined in the Commons Act of 2006 and are an especially slippery concept in the context of suburban areas such as the outskirts of Andover. The courts have concluded that the neighbourhood must have “*some degree of cohesiveness*”. The applicant suggests that the chosen neighbourhood has several common elements that contribute to its cohesiveness.

The Land itself and Ladies Walk footpath have become focal points of The Neighbourhood. Many people meet on The Land and socialise and thus contribute to its “*cohesiveness*”, as evidenced by the comments on the user evidence forms.

The majority of children growing up in The Neighbourhood attend the local schools (Winton Community Academy, Vigo Primary, Norman Gate and The Mark Way School). The catchment area of these schools exceeds the defined neighbourhood but they nevertheless act as a cohesive influence within The Neighbourhood.

In addition, The Neighbourhood has two pubs, The Lardicake on Adelaide Road and The

Queen Charlotte on London Road. It also includes the Wolverdene and Andover Central social clubs. A doctor's surgery on Adelaide Road is used by many of the residents in The Neighbourhood. The Sports Grounds off Batchelors Barn Road and at Picket Twenty are also shared by members of the neighbourhood. The Neighbourhood thus has many elements that contribute to its cohesiveness.

- c. Neighbourhoods are also defined by natural and manmade boundaries which involve extra effort to cross. To the north and east, the neighbourhood is bordered by busy roads that form a practical boundary.

People living, east of the Winchester Road (A3057) tend to gravitate towards Ladies Walk and The Land for recreation and those on the west side of the road (not included in the defined neighbourhood) gravitate towards the Rooksbury Mill Nature Reserve.

People living, east of the A3057 and South of the A3093 (Andover Ring Road) similarly tend to gravitate to Ladies Walk and The Land for recreation. On the other side of these roads (not included in the defined neighbourhood) people tend to gravitate towards the Anton Lakes area for recreation.

Finally, people living in Picket Piece (not included in the defined neighbourhood), are separated from the Neighbourhood by the Walworth Industrial Estate and the London Road (B3400).

All the roads mentioned above are very busy much of the time, with only limited crossing points and thus serve as effective barriers dividing the communities within each ward.

The residents of Picket Twenty, although separated from The Land by the very busy A3093 can access The Land very easily via a bridge across the A3093 and also via an underpass at the east end of London Road that connects to Picket Twenty Road.

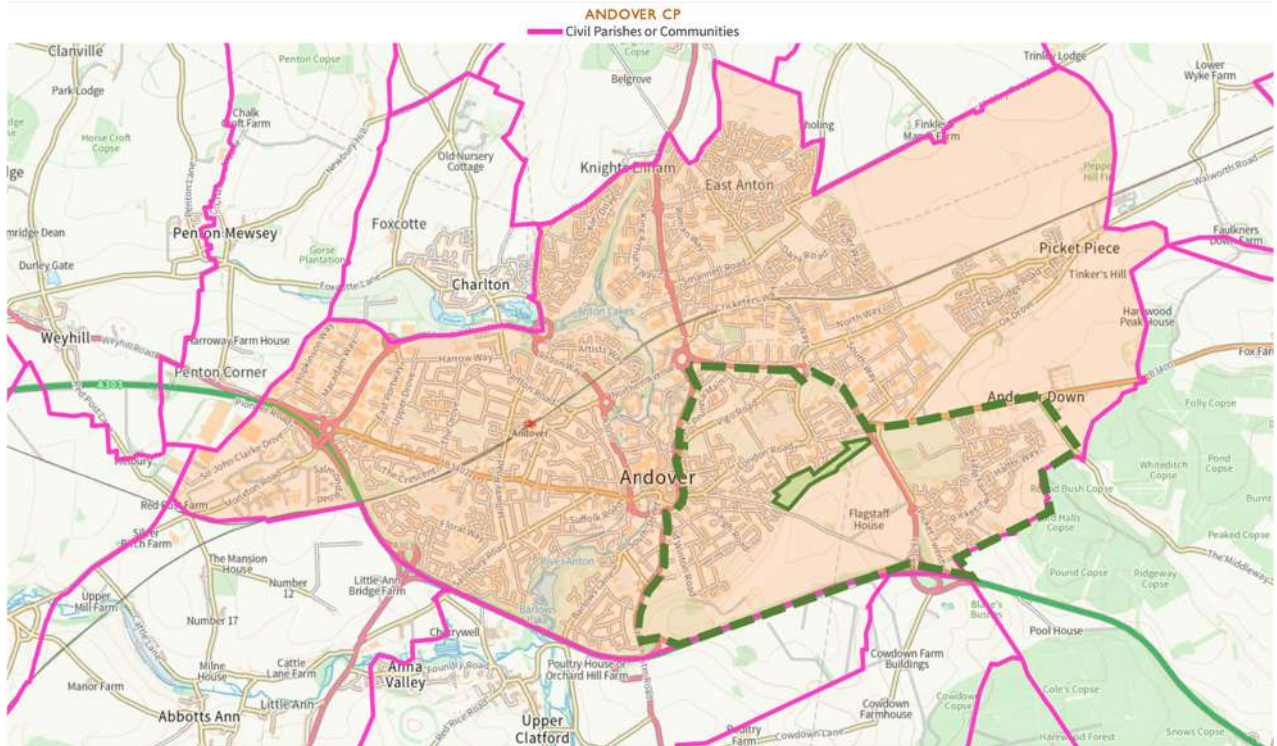


Figure 12. Showing the neighbourhood within the green dashed line within the locality of Andover Civil Parish shown in orange and The Land bordered green.

Source: Ordnance Survey Election Map - 2024

#### 1.4 Evidence of use

- a. User evidence questionnaires were provided to everyone who responded to the initial leaflet drop and who had indulged in lawful sports and pastimes on The Land during the twenty year period between 2004 and 2024. A list of the user evidence questionnaires and a summary of their results is provided in Appendix 3. Each form is numbered and this numbering is used to identify the form in the analysis of results.
- b. The user evidence questionnaires have been analysed by the applicant. One user evidence questionnaire was completed by each household. The period during which the field was used by them was recorded together with their estimate of use per week. Figure 13 shows the period of use for each of the numbered user evidence questionnaires. It is apparent from this that use of The Land by the general public far exceeded the time period for this application for many of the respondents.
- c. A map showing the distribution of questionnaire respondents in the neighbourhood is shown in figure 17. The majority of respondents were in those parts of the Andover parish nearest to The Land. Picket Twenty was not leafletted because most of the houses were not built until after 2010, well into the 20 year period of the application. Despite that, two of the respondents were from Picket Twenty.

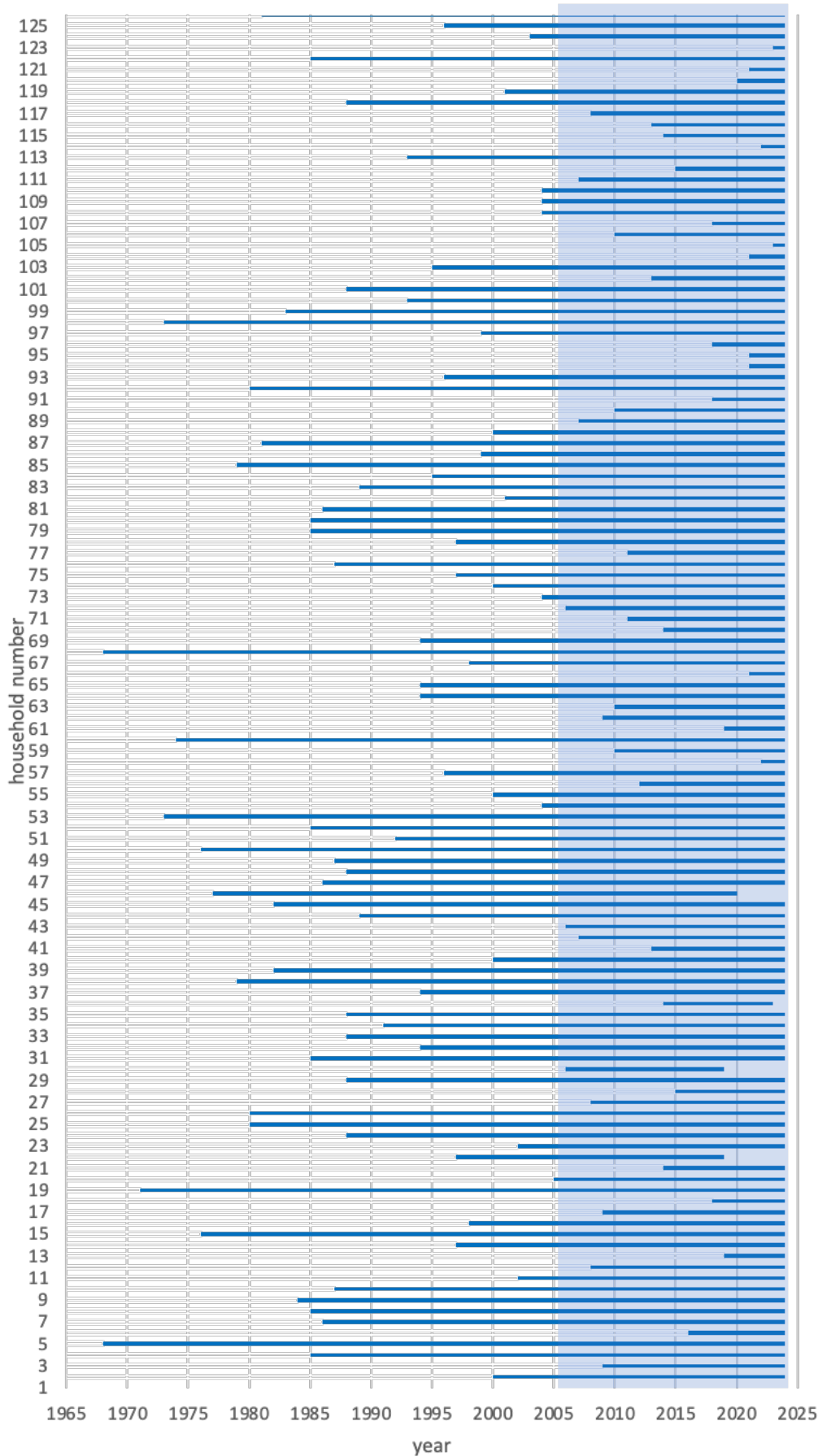


Figure 13. Showing the period of use of The Land by each household completing the user evidence questionnaire. Blue shaded area represents the 20 year use period.

d. An analysis of the number of households using the land in each year within the specified 20 year period between 2004 to 2024. This analysis was simplified by counting how many households were using The Land in each of the years during the 20 year period as shown in figure 14.

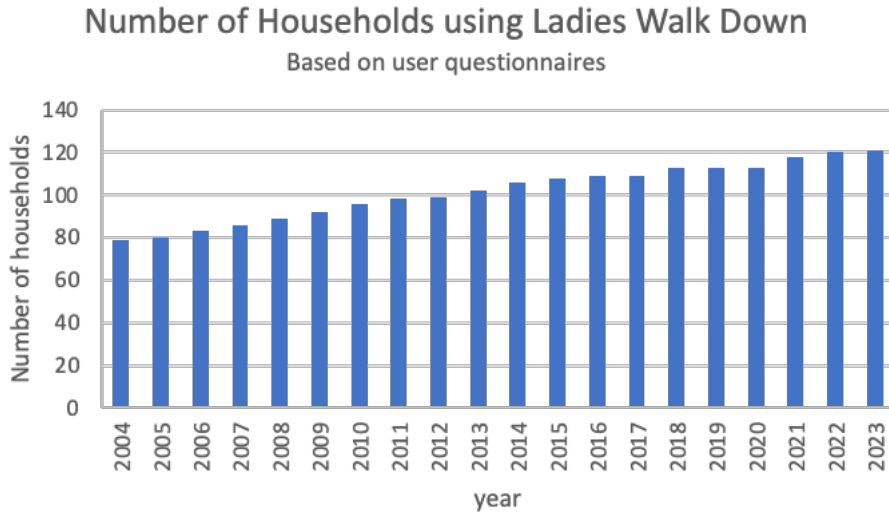


Figure 14. Showing the number of households using The Land during the 20 year period from January 2004 to the end of December 2023

As expected, fewer respondents used The Land towards the start of the 20 year period compared to more recent times. This is mainly because of people leaving the area and elderly people being no longer able to participate in the survey.

e. Also, of interest was the intensity of use. Some households were using The Land every day, others only occasionally. Where a range of use was described on the questionnaire the lowest number was used in this analysis. The result of this analysis is shown in figure 15.

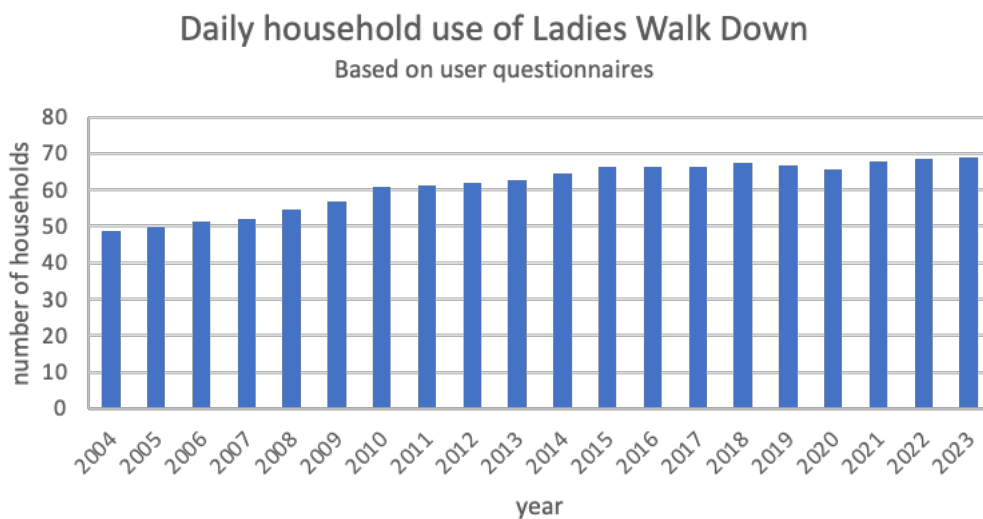


Figure 15. Showing the estimated daily use of The Land by the surveyed households.

A daily use of between 40 and 70 visits was recorded by the questionnaire respondents. During warm summer days during the school holidays the applicant has observed from his office overlooking The Land, that number is sometimes greatly exceeded with as many as 100 individuals using The Land every hour at times.

- f. An analysis of the activities recorded by the questionnaire respondents is summarised in figure 16 below. Walking, dog walking and birdwatching/nature watching represent the main activities on the field but other pastimes were also recorded and show the diverse pastimes supported by the land.

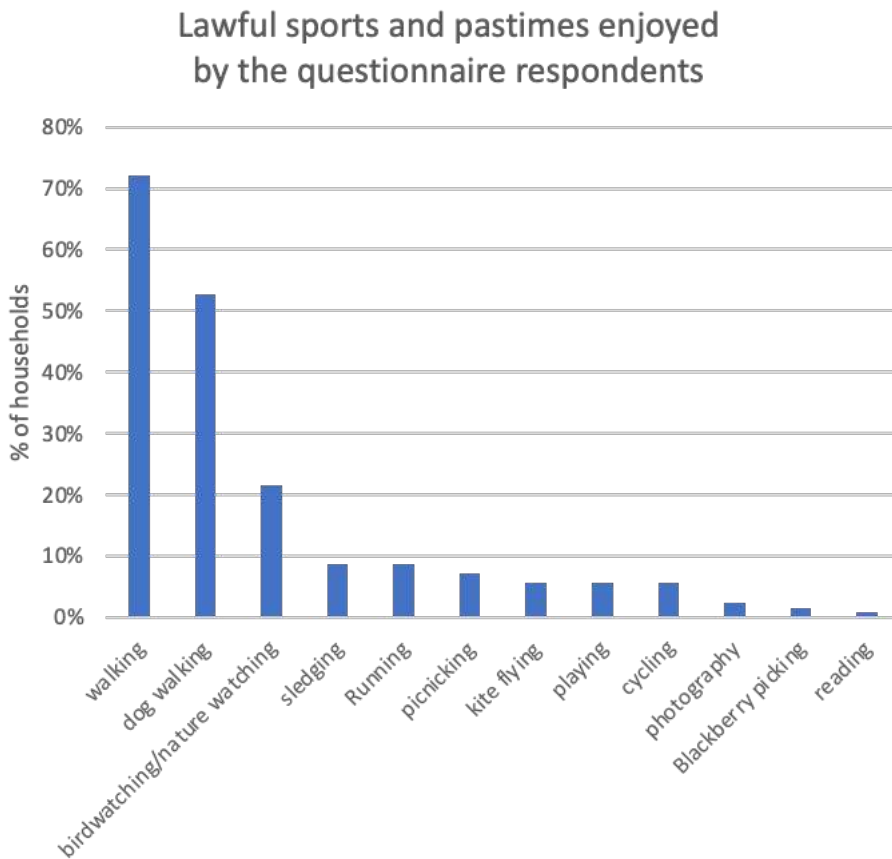


Figure 16. Showing the lawful sports and pastimes engaged in by the questionnaire respondents.

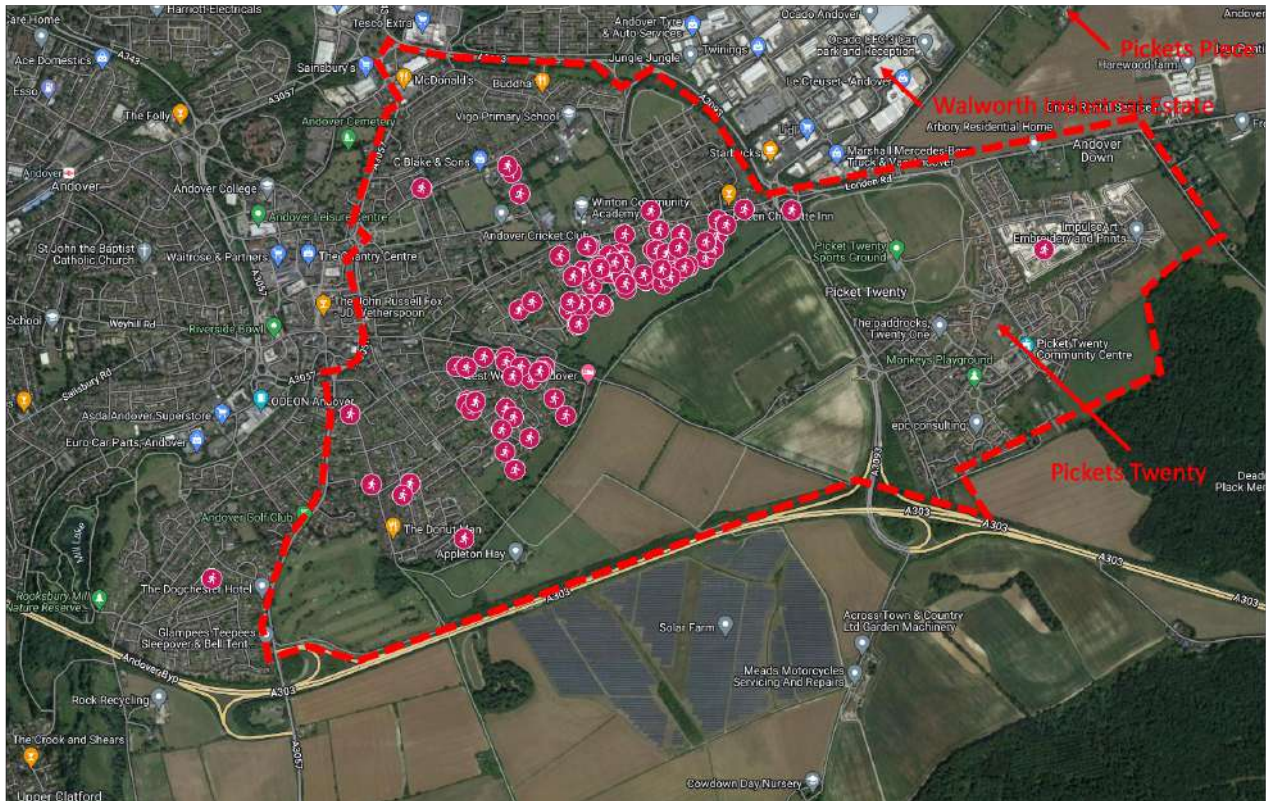


Figure 17. Aerial photograph of the application neighbourhood showing the location of the user households that completed the questionnaire. The red dashed line encloses the neighbourhood.

Source: Google MyMaps 2024

g. Entrances to The Land

The Land has many entrances and these are shown in figure 18 below. The current major entrances are numbered with minor entrances that are simply gaps in the perimeter hedging shown as black dots. All the entrances are simply perimeter gaps. Although there is a gate next to entrance 2, the public access the area at that point by a large gap beside the gate and also via the path running behind the houses in Highlands Road that until recently enabled access from London Road and which is currently subject of a DMMO application, number 1299. Some of the houses with gardens abutting the field also have gates into the field but these are not shown on this map. There are no notices suggesting access is not permitted at any of these entrances. The user evidence questionnaires confirm that none of the respondents had ever seen notices or fencing indicating that use of the land was not permitted.



Figure 18. Map of entrances around Ladies Walk Down in 2024.

h. Hampshire Biodiversity information Centre

Hampshire Biodiversity Information Centre (HBIC) provides an independent and impartial data service according to its description on the Hampshire County Council website:

<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity/information/centre/whatwedo>

The Land, referred to as “Ladies Walk Down” was surveyed by the Centre in 1998 and again in 2008.

In 1998 it described the designation of the area as “Public Access”. In its description it stated “The site has been largely unmanaged for some time and is used as public open space by the local dog walkers”.

In 2008 the site summary observed that “The site is unmanaged and is rapidly developing into secondary woodland”. It identifies its usage as “Dog Walking”.

i. Comments from DMMO 1299

The applicant made a DMMO application for several routes across The Land in 2020. This application has been partially processed resulting in an order to be made for a route along the north side of Ladies Walk Down from Shepherds Row to a point at the east end of Highlands Road. However, a continuation route along the north side of Ladies Walk Down to the east end of the Land was rejected because there were too many identified paths along which members of the public could have taken and this was said to “dilute the strength of that use which did take place in the claimed routes”. In other words, according to the Map Review Officer, Jennifer Holden-Warren, the use of The Land for the purpose of

walking and dog walking was not confined to single routes but to multiple routes.

Furthermore, her report also confirmed that access to The Land was without 'Without force, stealth or permission'.

### **1.5 Analysis of the Evidence under Section 15(2) of the Commons Act 2006**

a. Several conditions have to be met in order for an application to register land as a Town Green to be successful and these are each considered separately. A summary of the relevant case law is provided in appendix 4.

b. 'significant number of inhabitants'

The McAlpine Homes<sup>1</sup> case confirmed that the number of people using the land has to be sufficient to show that the land is in general use, by the local community, for informal recreation, rather than just occasional use by individuals.

The applicant has provided over 120 user evidence forms provided by households. In many cases two people in the household were represented by the form leading to a total number of over 140 people using the field.

As the graphs show in figures 14 and 15 above show both the number of individuals and also the regularity with which they used the field confirm that this condition has been met.

c. 'of any locality, or of any neighbourhood within a locality'

The neighbourhood within the locality of Andover CP meets the need to be part of a legally understood division. The fact that the neighbourhood shares sports facilities, a church, local clubs, a doctor's surgery a variety of corner stores and school catchment areas is clear indication that it meets the definition, albeit vaguely defined by the Act.

d. 'have indulged as of right' - without force, without secrecy, without permission

The user evidence combined with relatively recent photographic evidence confirms that the no attempt has been made by the landowner to prevent access to Ladies Walk Down either by fencing, signage or any other means. The landowner has allowed multiple openings onto The Land both from the highly popular Ladies Walk footpath and also from the Housing estates on the north side of The Land most of which have been available throughout the 20 year period. Some user evidence forms even commented that convivial conversations took place between some users and the workers/landowner of the field and at no time where they told to leave. Not a single user questionnaire spoke of any attempt by the landowner to discourage public use of The Land.

Concerning secrecy, it was clear to the Ecologist from the Biodiversity Information Centre that dog walkers were using The Land for recreation. Such a large number of users, as indicated by the user questionnaires, could not have used The Land unbeknownst to the

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<sup>1</sup> R (Alfred McAlpine Homes) v Staffordshire County Council [2002] EWHC 76 (Admin); [2002] 2 PLR 1.

landowner. The Land is criss-crossed by paths ensuring that the landowner could not help but be aware of public use of The Land.

Landowner Deposits lodged under section 31(6) of the Highways Act 1980: The Land was previously owned by Peter Snow, now deceased. A statutory declaration made by him under section 31(6) of the Highways Act 1980 and dated 25th September 2018 was lodged with Hampshire County Council. However, the deposit made by him shows Part D, the section relating to the Commons Act 2006, crossed out. An earlier deposit dated 25<sup>th</sup> September 2008 again only refers to public rights of way and not to the Commons Act 2006.

Clearly this condition of the Commons Act 2006 is met.

e. 'in lawful sports and pastimes'

The user evidence forms clearly show that the dominant activity by the public over this land during the 20 year period is walking and dog walking. But many other activities, some seasonal, have been observed including bird watching, winter sports, berry foraging, jogging and off road cycling. Many user-evidence questionnaires comment that this is an area that children play in especially during school holidays as illustrated in the photographs in figure 19. Clearly this condition of the Commons Act 2006 is met.



Figure 19. Photographs of people enjoying sports and pastimes on The Land. Left – Winter sports in March 2018. Right - walking and dog walking in April 2021

Source: Applicant photograph

f. 'for a period of at least 20 years'

The charts in figures 13 to 15 show that the The Land has been in continuous use throughout the 20 year period from January 2004 through to the December 2023.

Continuous use over the 20 year period is therefore demonstrated.

g. 'and continue to do so at the date of the application...'

The user evidence forms were completed over a period from February to April 2024 during which time access to The Land continued “as of right”. At the time this application was completed and sent to Hampshire County Council access as of right, as described in 1.5 d

above, continued to be exercised by the questionnaire respondents.

h. Trigger events

i. The applicant has checked Test Valley Borough Council local development plans and planning applications effective during the 20 year period from 2003 and 2024 and confirmed that there are no plans that would cause the right to apply to register the land as a Town Green to be suspended.

j. Agriculture

The Land has not been used for any agricultural purpose since 1989/1990 and the only "agricultural activity" since then has been on one occasion the removal of secondary woodland and a period during which the grass was cut but not baled as described above in section 1.2. Agricultural use of The Land does not therefore represent a reason for disallowing its registration as a Town Green.

**1.6 Request**

a. The applicant requests the surveying authority to register The Land as a Town Green.

Name: Paul Howland

Signature:



Date: 13<sup>th</sup> April 2024

### 1.7 APPENDIX I - Aerial photographs of The Land

- a. Aerial photographs of the area have been recorded by Google Maps since 2000 as shown below. The black lines shown on the photographs are public footpaths.



Figure 20. Aerial photograph of area taken in 2019

Source: Google 2020



Figure 21. Aerial photograph of area taken in 2017

Source: Google 2020



Figure 22. Aerial photograph of area taken in 2008

Source: Google 2020

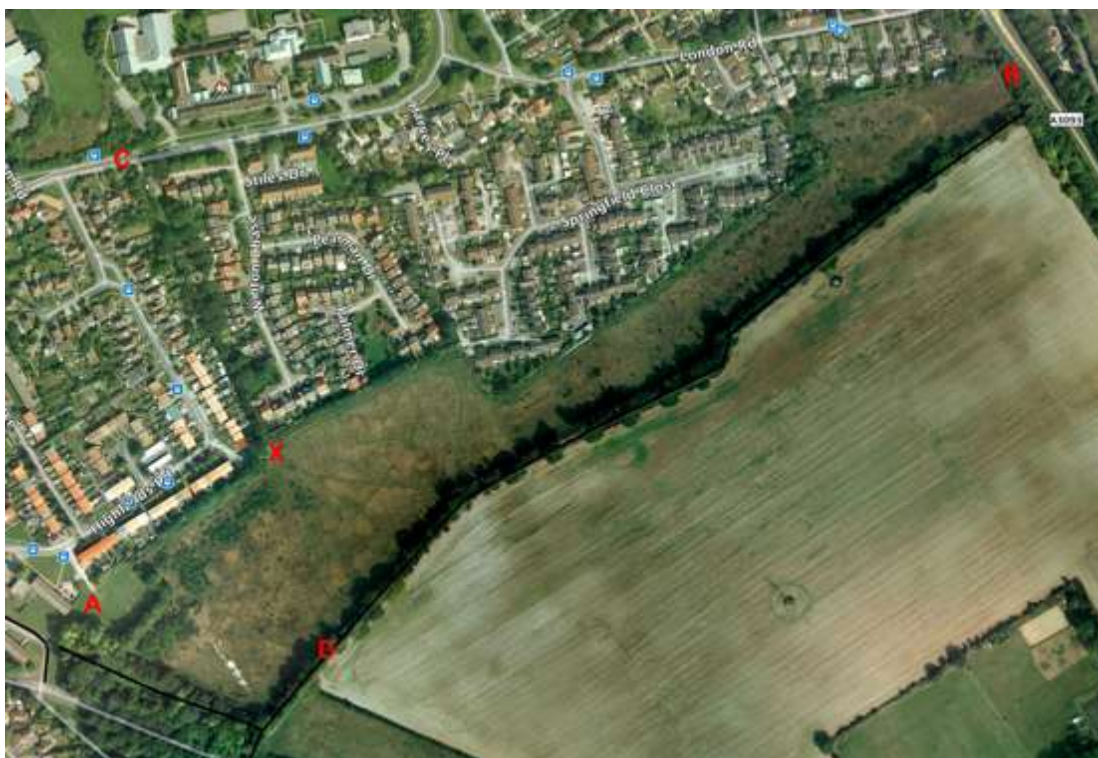


Figure 23. Aerial photograph of area taken in 2005

Source: Google 2020



Figure 24. Aerial photograph of area taken in 2000

Source: Google 2020

### 1.8 Appendix 2 - Photographs of The Land entrances



Figure 25. Field entrance at point 1



Figure 26. Field entrances at point 2



Figure 27. Field entrances at points 3, 4 and 5 (Left to right)



Figure 28. Field entrances at points 6, 7 and 8 (Left to right)



Figure 29. Field entrances at points 9, 10 and 11 (Left to right)



Figure 30. Various field entrances between entrances 9 and 7



Figure 31. Various field entrances between entrances 9 and 7

**1.9 Appendix 3 List of User Evidence Forms**

<b>People who completed the user questionnaire</b>		
<b>No</b>	<b>Name</b>	<b>Current Address</b>
1	Margaret Beal	28 Leigh Road
2	Trevor Brandom	30 Leigh Rd
3	Sue Hopkins	56 Leigh Road
4	Lynn Cuthbertson	34 Leigh Road
5	Mandy Moore	1 Hedge End Rd
6	Helen Mussellwhite	30a London Rd
7	Chris Mussellewhite	30a London Rd
8	Betsey Thorley	17 Dunmow Road
9	Tom and Gina Hillsdon	30 Wolversdene Rd
10	Jan Lass	34 Newcomb Close
11	Mark Smyth	14 Palmer Drive
12	Mr and Mrs Rose	10 Pearman Drive
13	Linda & Pete Jeffrey	28 Winton Chase
14	Mark Elliot	8 Hornbeam Close
15	Carole Evans	18 Batchelors Barn Rd
16	Sue Hockings	31 Winton Chase
17	Andrew Fulbrook	18 Pearman Drive
18	Sue Riches	10 Batchelors Barn Rd
19	Becky and Neil Chadd	Fourways, Picket Twenty
20	Margaret Carruthers	3 Pearman Drive
21	Mr and Mrs Pughe	22 Pearman Drive
22	Pen Barnes-Gorell	17 Winton Chase
23	John & Debbie Hall	29 Highlands Road
24	David Gardner	51 Highlands Rd
25	Jean and Ted Bentley	159 Springfield Close
26	Helen Pennicott	Winton School, London Road
27	Pamela Burt	4 Charlotte Close
28	Sally Mussellwhite	30a London Rd
29	Martin Reed	23 Cusden Drive, Artists Way
30	Francis Mussellwhite	30a London Rd
31	Sarah Hopkins	122 Jockey Way, SP116QA
32	Michael Hopkins	8 Templton House SP101QW
33	Laura Hopkins	4 Woodcutters Court, SP10 3YL
34	Anne & Hayden Hopkins	57 Springfield Close
35	David and Mrs Wiltshire	44 London Road
36	Michael O'Keefe	122 Springfield Close
37	Steve & June Mansbridge	129 Springfield Close
38	Ken & Carol Lyons	15 Springfield Close
39	Vera Ralph	145 Springfield Close
40	Kate Evans	143 Springfield Close
41	Rebecca Hathaway	151 Springfield Close

42	Debbie Jones	120 Springfield Close
43	Georgina and Michael Glover	110 Springfield Close
44	Jean McLeod	70 Springfield Close
45	Shiela Lewis	12 Springfield Close
46	Mr and Mrs Mclver	31 Springfield Close
47	Paul howland	71 Springfield Close
48	Susanne Howland	71 Springfield Close
49	Keith Elliott	121 Springfield Close
50	Guy & Keren Rump	105 Springfield Close
51	Mr and Mrs Eddy	102 Springfield Close
52	Ann and Authur Dearden	55 Springfield Close
53	Thomas Fleming	54 Springfield Close
54	Mic Peck	1 Greenhaven Close
55	michael burton	99 Springfield Close
56	Tracey Justice	23 Pearman Drive, SP102SB
57	Steven & Gemma Hewkin	2 Pearman Drive, SP10 2SB
58	Nicola & Paul Morse	14 Pearman Drive, SP10 2SB
59	Patricia Wilson and T Austin	25 Batchelors Barn Rd
60	David & June Smith	12 Palmer Drive
61	Darren & Stephie Cooper	16 Winton Chase
62	Nicola Thomas	16 Pearman Drive
63	Gemma Clinch	109 Vigo Road
64	Kim & Richard Graham	17 Highlands Rd
65	Mark Humphrey	14 Leigh Close, SP10 2BQ
66	Paula & Leif Philp	42 Highlands Rd
67	Jackie and John Synan	6 Charlotte Close
68	Margaret Dutnall	9 Greenhaven Close
69	Michael Knight	61 Bere Hill Crescent
70	Rob Perrin	24 Cornfields
71	Caroline Bennett	4 High Beech Gardens
72	Dean White	2 Cedarwood Place
73	Teresa and James Burton-Pye	2 Pen Close, SP10 2QD
74	Doreen and David Canniford	58 London Road
75	Rosemary Grover	61 Wolversdene Road
76	Paula Dawson	23 Leigh Rd
77	Andy Scott	24 Winton Chase, SP10 2SE
78	Adrian Furniss	11 York Gardens, Walton on Thames
79	Nicola and Robin Furness	20 Winton Chase
80	Sarah Furniss	16 St Alphege Gardens SP10 4NZ
81	Wendy Neal	33 Winton Chase, SP10 2SE
82	Mick Moule	8 Wool Grove, SP10 2QE
83	Sue Belbin	165 Springfield Close, SP10 2QS
84	Michelle Proudfoot	20 Wool Grove, 2QE
85	David and Judith Simpson	34 Winton Chase, SP10 2SE
86	Anne and Richard Humphries	93 Wolversdene Rd
87	Barbara and Ashley Bradley	58 Wolversdene Rd

88	Ilse Terry	11 Springfield Close
89	Rosemary Bavister	47 Springfield Close
90	Ray Niblock	49 Bere Hill Crescent
91	Richard Shaw	50 Springfield Close
92	Andy and Carolyn Carter	85 Springfield Close
93	Corrine and Gareth Date	9 Bere Hill Crescent
94	Alasdair Murray	9 Palmer Drive SP10 2SD
95	Jennifer Norman	4 Highlands Road, SP10 2PX
96	Alison and Toby Simmonds	15 Wolversdene Rd, SP10 2AY
97	Debra & Kevin Dowie	8 Old Winton Road, SP10 2BZ
98	Helen Hardy	40 Highlands Rd, SP10 2PY
99	Christopher Green	81 Highlands Road, SP10 2PZ
100	Judith Green	81 Highlands Road, SP10 2PZ
101	Gaynor Williams	49 Highlands Rd, SP10 2PY
102	Phil Keel	161 Springfield Close
103	Geoff Rolls and Shelley Bates	41 Leigh Rd
104	Nathan Miles	147 Springfield Close
105	Pam Goy	73 Wolversdene Rd
106	Theo and Victoria Channer	Thornworthy, Leigh Rd (Farm house)
107	Anne Scott	72 Old Winton Road
108	Carolyn Maidment	Langley, 77 Wolversdene Road
109	Zoe Robson	14 Highlands Rd, SP10 2PX
110	Peter & Jill Todd	4 Winton Chase, SP10 2SE
111	Becky Coles	79 Highlands Road, SP10 2PZ
112	Paul Sillence	109 Vigo Rd + (11 The Link)
113	Mo Zaman	5 Palmer Drive SP10 2SD,
114	Jane Battey	14 Pen Close, SP10 2QD
115	Richard Corder	24 Pearman Drive
116	Clare Harvey	71 Wolversdene Road
117	P Allen	9 Wolversdene Close
118	Richard Burgess	6 Pen Close, SP10 2QD
119	Rachel Sunderland	30B London Road
120	Paula Roskilly	21 Winton Chase, SP10 2SE
121	Lynnette Trapnell	26 Wolversdene Road, SP10 2BA
122	Dana Shelley	116 Springfield Close, SP10 2QT
123	Yvan Massi	10 Palmer Drive
124	Hillary Franks	10 Palmer Drive
125	Simon Kyte	26 Springfield Close

## 1.10 Appendix 4 – Case Law

a. The relevant case law has been summaries in the decision report of Hampshire County Council application number VG261 and where relevant is listed here.

b. R (on the application of) Alfred McAlpine Homes Ltd v Staffordshire County Council (2002) – ‘McAlpine Homes’

Sullivan J rejected the argument by the claimant that ‘significant number’, in the context of determining applications to register land as a green, equated to ‘a considerable or a substantial number’. The number of people using the land has to be sufficient to indicate that it is in general used by the local community for informal recreation. What was ‘significant’ was a matter of impression after analysing the evidence. What matters is that the number of people using the land is sufficient to indicate that it is in general use by the inhabitants of any locality or neighbourhood within a locality.

c. R (on the application of) Laing Homes Ltd v Secretary of State for the Environment Food and Rural Affairs (2003) – ‘Laing Homes’

Sullivan J endorsed the view that the identification of the relevant locality (or neighbourhood within a locality) was a matter of fact for the registration authority to determine in the light of all the evidence, which might contain a number of conflicting views on the topic. Subject to considerations of fairness towards the applicant and supporters and objectors, the registration authority should be able to decide that question in the light of all the evidence, whether or not the answer corresponded with the locality (or neighbourhood) put forward by the applicant. Fairness would require that the parties should have a reasonable opportunity to consider and comment upon, and if necessary call further evidence to respond to, the introduction of a new candidate locality or neighbourhood.

d. R (on the application of) Cheltenham Builders Ltd v South Gloucestershire District Council (2003) – ‘Cheltenham Builders’

Sullivan J rejected the notion that a neighbourhood might be any area of land that an applicant chose to delineate on a plan, saying that the registration authority had to be satisfied that an alleged neighbourhood had a sufficient degree of cohesiveness. A boundary line such as the one drawn by the applicants in that case, which bisected gardens, streets and an area of open space, is unlikely to be accepted as delineating a neighbourhood.

e. Oxfordshire County Council (Respondents) v Oxford City Council (Appellants) and another (2006) – ‘Trap Grounds’

The House of Lords held that, per Lord Hoffman: "...registration authorities should be guided by the general principle of being fair to the parties. It would be pointless to insist upon a fresh application (with a new application date) if no prejudice would be caused by an amendment, or if any prejudice could be prevented by an adjournment to allow the objectors to deal with points for which they had not prepared", and per Lady Hale: "...the registration authority may allow amendments or deal with an application in accordance with the evidence before them, provided always that they have given every person who might wish to object (or who otherwise has a legitimate interest in the process) a fair opportunity to consider what is proposed and make representations about it."

Lord Hoffman also stated that in principle it was not necessary for users to have set foot on every part (or even the majority) of the application land: "If the area is in fact intersected with paths and clearings, the fact that these occupy only 25% of the land area would not in my view be inconsistent with a finding that there was recreational use of the scrubland as a whole. For example, the whole of a public garden may be used for recreational activities even though 75% of the surface consists of flowerbeds, borders and shrubberies on which the public may not walk".

f. *Paddico (267) Ltd v Kirklees Metropolitan Council & Ors (2011) – ‘Paddico’*

Vos J said that he "was not impressed with the suggestion that [the] distribution of residents was inadequately spread" across the specified localities when this case was considered in the High Court. He noted that the majority of users making declarations lived closest to the claimed green, and that this was precisely what one would expect. This view was not disputed when the case progressed through the Court of Appeal. It was also held that a 'locality', for the purposes of the 1965 Act, "is to be understood in all the legislation...as meaning an administrative district or an area within legally significant boundaries". DEFRA's view is that there would appear to be no reason for the definition of 'locality' to be interpreted any differently in the 2006 Act.'

g. *R (on the application of Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust and another) v Oxfordshire County Council (2010) – ‘Warneford Meadows’*

The High Court held that there was no implicit requirement for most of the users to have lived in the locality or neighbourhood. The provision was clear in its terms: so long as a significant number of the inhabitants of the locality or neighbourhood were among the recreational users of the land, it did not matter that many or even most users came from elsewhere. The court also held that rejected an argument that a neighbourhood need not have defined boundaries and said that to qualify as a neighbourhood an area must be capable of meaningful description and must have 'pre-existing' cohesiveness.