

**Address to Development Control and Regulatory Board, Leicestershire CC  
Thursday, 14 August 2014 - 2.00 pm  
Item 7**

My name is Sonia Liff and I am the current Chair of an organisation called Appleby Environment. This organisation of local people has been active in the village for more than 20 years.

Appleby Magna is rural village on the fringes of Leicestershire. It is a compact village with an historic core and fields coming into the village – an unusual feature which is recognised in our Village Design Statement. The land in question is one such field.

I am asking you to approve our claim to register a village green at Church Hall Field. We are aware that this is against the recommendation you have been given by the County Solicitor. We do not feel that the Reason for Recommendation given in the report of the County Solicitor accurately represents the extent to which the Inspector's report agrees we made our claim.

There are a number of legal tests to be met to establish a village green under the act.

1. The first condition is that a village green needs to be within a defined and specified locality. The inspector agreed that the Parish of Appleby Magna was an appropriate locality for this purpose.  
That is that this land is claimed on behalf of the whole village.
2. The second condition is that the land needs to be used by a significant number of its inhabitants. Around 100 witness statements and letters were submitted with our claim for a village green and 24 gave evidence under oath at the inquiry. Many more were willing to do so had there been time. The Inspector concludes:  
"On balance the evidence was convincing ... that significant numbers of the inhabitants of Appleby Magna have come onto the fields of the application site for recreational activities" (para 11.11).
3. A third condition is that this use needs to be for a period of at least 20 years before the date on which the application is made.  
Again the Inspector agrees that we established our claim that the land has been used by local people for the period of 1993 to 2013, and indeed for considerably longer. (para 11.37)
4. A fourth condition is that the land was 'used as of right' that is activities took place openly and were not contested by the owners. The Inspector says:  
"there is essentially very little dispute that local people have been doing some things on the land 'as though they had the right to do so' during the relevant years" (para 11.39).

So far we have met all the conditions for the registration as a village green.

The final condition is that the significant number of local residents who have been using the land over a 20 year period have been engaging in 'lawful sports and pastimes on the land' as the act puts it.

Even here there is considerable agreement:

- There is agreement that 'lawful sports and pastimes' were undertaken. These consisted principally of walking and dog walking. However the inspector also accepts the evidence of local people that they regularly undertook blackberrying, played on a slope on the land during snowy weather, went pond dipping when it was fine, that the village play group and brownie group took children on nature investigation and other activities, that people watched birds, picnicked, sketched, rode bicycles and that children played there.
- There is also agreement that this use was not confined to the formal footpaths. The inspector says that there is "the possibility that successful claims could be made that other public rights of way had become established through long usage beyond the two officially recorded on the County Council's Definitive Map of public footpaths" (para 11.24).

So the only area where we disagree is whether this pattern of significant use for lawful sports and pastimes meets the legal definition of 'on the land'.

The inspector says that his view of the evidence is that the use of the land was primarily on informal footpaths or nearby to them. He feels that this is not use of the land **as a whole** in the way he interprets the legal test. That is he says that we did not establish that every inch of the field was used!

This is despite the fact that lots of people reported that they let their dogs off their leads, followed them around, looked for and threw sticks for them and that children played unhindered. Walking is not the same type of activity as playing football and we don't think it is reasonable to expect the same type of coverage when walking is the primary activity. People did walk across all areas of the field and not just via the official footpaths.

We think we have established sustained and widespread use of the whole claimed land in ways that are consistent with the type of recreational activity undertaken. We do not feel that the way the recommendation is formulated in the report before you accurately reflects this.

We ask you to support our application to register this land as a village green within Appleby Magna.

Thank you for this opportunity to make our case.