



# Minutes

Name of meeting	<b>GENERAL PURPOSES (APPEALS) SUB COMMITTEE</b>
Date and time	<b>TUESDAY, 31 MAY 2011 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllr Susan Scoccia (Chairman), Paul Fuller, Arthur Taylor
Officers Present	Jonathan Baker, Catherine Chalkley, Justin Thorne, Jerry Willis

---

1. [Minutes](#)

Prior to the minutes being reviewed, the chair reconvened the meeting from that of Thursday, 12 May 2011 which was adjourned from the start owing to the committee not being quorate.

RESOLVED:

THAT the Minutes of the meeting held on [11 April 2011](#) be confirmed.

2. [Declarations of Interest](#)

There were no declarations at this time

3. [Report of the Strategic Director of the Economy and Environment](#)

Proposed Registration of Land at Stroud and Longhalves, Freshwater, as a Town or Village Green

The applicant was in attendance.

The Isle of Wight Councils Tree Officer presented a report which set out evidence to determine an application under Section 15 of the Commons Act 2006 to register land known as Stroud & Longhalves, Freshwater, as a town or village green

The application claimed that the land known as Stroud and Longhalves, Freshwater became a town or village green on 01 December 2007 “by the actual use of the land by the local inhabitants for lawful sports and pastimes as of right for not less than 20 years”

The applicant had submitted 10 evidence questionnaires in support of the application which had been advertised and the consultation procedure required under the 1965 and 2006 Act had been completed.

The committee was advised that the desired outcome of the application was for the long term protection and preservation of the area. However, members were advised by the councils Principal Lawyer that the granting of a Village Green status did not provide any accountability for the upkeep of the designated vicinity.

Upon receiving the report of the Village Green Team section, oral and written evidence from the applicant and land owner(s) the Sub Committee resolved as follows:

RESOLVED:

- i. THAT members were satisfied that the burden of proof required to register a town or village green had been discharged by the applicant for the same reasons as stated in the report and therefore approved the registration of that part of the lane shown marked "Area X" on Plan F as a town or village green under section 15 of the Commons Act 2006, with the exception of the 3 metre wide bridleway which was also used by motor vehicles as this was the extent of the public right of way designation.
- ii. THAT it considered the application in respect of the part of the land shown marked "Area Y" on Plan F be rejected on the grounds that it did not satisfy the statutory conditions for registration under section 15 of the act on the grounds that access to this land had not been as of right for the full 20 year period.
- iii. THAT it also considered that the application in respect of the part of the land shown marked "Area Z" on Plan F be rejected on the grounds under section 15(5) as there was a grant of planning permission in relation to this land and the same permission had been implemented.

In reaching the above decision, the sub committee have had regard to the Human Rights Act 1998 and in particular Article 1 of the First Protocol, Article 8 and Article 6. The sub committee considered this decision was in accordance with the legal principles of registration. Members noted that the registration of the land would interfere with the rights of the land owner but also noted that this would be a matter of law as to whether registration should be made and on the basis of the information before members, the decision was proportionate and necessary.

CHAIRMAN