



Minutes

Name of meeting	GENERAL PURPOSES (APPEALS) SUB COMMITTEE
Date and time	MONDAY, 7 SEPTEMBER 2009 COMMENCING AT 10.05 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Jonathan Bacon, Ivan Bulwer
Officers Present	Julie Martin, Justin Thorne, Jerry Willis

23. Minutes

RESOLVED :

THAT the Minutes of the meetings held on [30](#) and [31 July 2009](#) and [10 August 2009](#) be confirmed.

24. Declarations of Interest

There were no declarations at this time.

25. Joint Report of the Director of Corporate Services and the Director of Environment and Neighbourhoods

The Chairman welcomed all those present and introduced the members of the Committee. She outlined the procedure that was to be followed for the meeting.

The report with regard to an application to register land known as 'The Football Field', Northwood, as a Town or Village Green, was presented by the Council's Tree Officer.

The Committee was informed that for the application to be successful the applicant had to prove that the land, subject of the application, had been used for lawful sports and pastimes, by a significant number of local inhabitants, as of right, and for not less than 20 years. This had to have occurred continuously, without breaks, up until the date the application was made.

The Council's Tree Officer summed up his evaluation of the evidence submitted and informed the Committee that on the basis of the written evidence submitted the applicant appeared to have proven that, on the balance of probabilities, the area of land marked 'A' on the plan had been used for a period of not less than 20 years for the purposes of definition on s22 of the 1965 Act.

On the basis of the written evidence that applicant did not appear to have proven that, on the balance of probabilities, the area of land marked 'B' on the plan was used for a period of not less than 20 years for the purposes of the definition of s22 of the 1965 Act.

The Chairman indicated there appeared to be conflicting evidence and asked both the applicant and the landowner if they believed there should be an adjournment to enable an enquiry by an independent inspector.

The applicant formally requested that the overriding evidence be tested by an independent inspector.

Counsel on behalf of the landowner gave a brief outline of the case and thought that given the paucity of evidence both in quantity and quality it was insufficient to establish a prima facie case that the area could be a village green. As such, it would be reasonable for the Council to reject the application at this stage.

The Committee asked a question related to the Trapp Ground Case. There was a short adjournment to enable the Council's legal representative to check the details of the case.

Upon reconvening the Council's legal representative clarified several points in relation to both the 1965 and 2006 Acts.

RESOLVED :

THAT an independent inspector be appointed to convene a non-statutory inquiry under s111 of the Local Government Act 1972 and a further report be brought back to the committee at a future date based upon the inspectors findings as to whether the land subject to the application should be registered as village green.

CHAIRMAN