

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker	Jonathan Woods – Countryside Strategic Manager
Title	Acceptance of the withdrawal of an application for registration of land at Victoria Square, Lee-on-the-Solent, as town or village green (Application No. VG 270)

Email: harry.goodchild@hants.gov.uk

1. The decision:

- 1.1. In 2017 Hampshire County Council, in its capacity as commons registration authority for Hampshire, received an application under Section 15 of the Commons Act 2006, for the registration of land at Victoria Square, Lee-on-the-Solent, as a town or village green. The application, which was submitted by Lee Residents Association, sought to register the land on the basis that it had been used by a significant number of the inhabitants of the locality for lawful sports and pastimes for at least twenty years and which continued up until the time of the application was submitted (see Appendix 1 for a location map).
- 1.2. Following the advertisement of the application, a statement of objections was received from the Diocese of Portsmouth, which owns the application land. Following consideration of the objections, the applicant subsequently confirmed that they wished to withdraw their application.
- 1.3. Having considered the Applicants' request to withdraw the application, along with all other available information, officers consider that it is reasonable for the request to be accepted.

2. Reason(s) for the decision:

- 2.1. In accordance with the Commons (Registration of Town or Village Greens)(Interim Arrangements)(England and Wales) Regulations 2007, the application was advertised by the County Council in December 2023, whereupon an objection was received from the landowner. In a statement of objection, the Diocese laid out a number of grounds, citing relevant case law, on which the application should be refused.
- 2.2. At the end of the consultation period, the Diocese's objections were forwarded to the Applicant for consideration, in line with the requirements of the 2007 regulations. After considering the Diocese's submissions, the applicant wrote to the Council on

21st March 2024 to state that it would be content to withdraw its application if the Diocese could confirm that it had no intention of developing the application land. The Diocese responded on 11th April 2024 to confirm that it had no plans to develop the open space that was the subject of the application and in turn, the Applicant responded on 17th April 2024 to formally withdraw its application.

- 2.3. There are no specific provisions within the legislation for an applicant to withdraw an application. However, in *Oxfordshire County Council v Oxford City Council and Robinson [2005]* (the ‘Trap Grounds’ case), the Court of Appeal agreed with the comment that a registration authority does not have to proceed with an application that the applicant does not wish to pursue (whether wholly or in part) where it is reasonable that it should not be pursued. The House of Lords did not disagree with this view when it subsequently considered the case.

3. Other options considered and rejected:

- 3.1. It is open to the County Council to decline the Applicants’ request to withdraw the application and determine it based on the available evidence. Officers do not consider that this would be proportionate, bearing in mind the Applicant’s withdrawal of support for the application, and the undertaking of the landowner with regard to development of the land.

4. Supporting information:

- 4.1. Appendix 1 - Location Map

Approved by:

Date: 22/04/2024

_____ (signature)

Jonathan Woods – Countryside Strategic Manager

On behalf of the Director of Universal Services

Links to the Corporate Strategy

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

File: VG270
Victoria Square, Lee-on-the-Solent

Location

Countryside Access Team
Three Minsters' House
Winchester
SO23 8UL

IMPACT ASSESSMENTS:

1 Equalities Impact Assessment:

N/A

2. Impact on Crime and Disorder: N/A

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption?

N/A

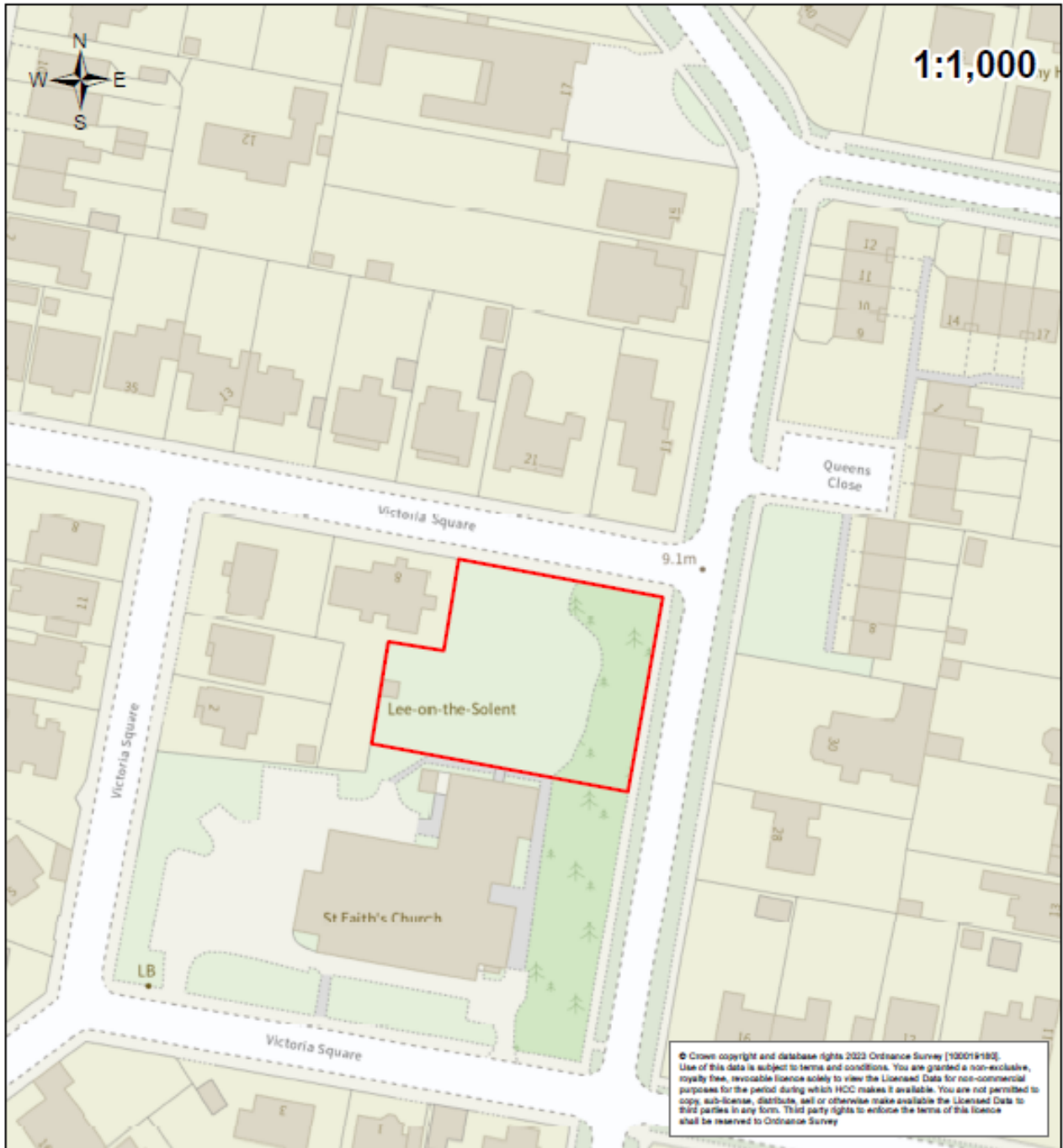
How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? **N/A**

Appendix 1 – Location Map



Commons Act 2006 - Section 15(1)

Notice of an application for the registration of land as a town or village green



Countryside Access Team
Universal Services
Three Minsters' House
Winchester
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VICTORIA SQUARE, LEE-ON-SOLENT



Approximate extent of land subject to this application