

## Town and Village Greens

Town and Village Greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes.

Anyone can apply to have land registered as a green if it has been used by local people for recreation 'as of right' (i.e. without permission, force or secrecy) for at least 20 years.

Information on Town Greens on the defra website: [www.defra.gov.uk/rural/protected/greens/](http://www.defra.gov.uk/rural/protected/greens/)

Guidance on the Open Spaces Society website: [www.oss.org.uk/village-greens](http://www.oss.org.uk/village-greens)

Many groups that are members of the Bristol Parks Forum have applied for Town Green status for their sites. In the past the BPF has organised a workshop session and BPF meetings are an opportunity to exchange information. A list of BPF member groups is at [www.bristolparksforum.org.uk/directory.htm](http://www.bristolparksforum.org.uk/directory.htm)

Many council owned green spaces do not qualify for Town Green status because they are used 'by right' (with permission) rather than 'as of right' (without permission). If the Council has designated the land for use as public open space then it is also granting permission for the land to be used for recreation - at least that has been the view taken by independent inspectors in recent cases.

However, a lot of land owned by the council and now used as public open space was purchased for other reasons, they may have been tips or intended for road schemes or housing or education land. A lot of the arguments on Town Green applications therefore revolve around whether the land has been 'appropriated' by the council for use as public open space.

Any landowner (including the Council) also has the option to voluntarily declare their own land as a Town or Village Green. This can be done regardless of previous use.

A full list of Town or Village Greens and Commons in Bristol, including links to each area on the mapping system can be seen at [www.bristolparksforum.org.uk/BristolCommonsGreens.pdf](http://www.bristolparksforum.org.uk/BristolCommonsGreens.pdf)

## Bristol Town Green Applications

For applications that have come before the Public Rights of Way and Greens Committee for decisions the papers for the meetings usually include the inspectors report, these give detailed reasoning for the decision and are a good guide to the hurdles that have to be overcome.

The papers for the meetings also contain details of the status of recent applications.

The papers can be found on the BCC website via [www.bristol.gov.uk/CommitteeMeetingFinder](http://www.bristol.gov.uk/CommitteeMeetingFinder) (listed under 'Regulatory Committees/Appeals Committee').

The procedure to be followed by the Council in determining Town Green applications (revised in June 2012) can be seen at [www.bristolparksforum.org.uk/TGVprocedureJune2012.pdf](http://www.bristolparksforum.org.uk/TGVprocedureJune2012.pdf)

Some notes on the applications that have been determined by the PROWG are shown below, together with the dates when the decisions were made.

Many of the recent applications for Bristol City Council owned land were decided on the basis that the land had been held as public open space and therefore use was "by right" rather than "as of right" (see above).

## **Applications determined by the Council's Public Rights of Way and Greens Committee:**

**Land at Stoke Lodge, Stoke Bishop** (BCC owned) No 24: At its meeting on 12 December 2016 the PROWG committee agreed to declare this site as a Town Green. The application had been submitted in March 2011 and the decision was made despite the Independent Inspector's recommendation that the application should be rejected.

This decision was subsequently overturned in Court following a Judicial Review where the Inspector's view that signs erected in the past were sufficient to have made people aware that they were entering the land without a right and therefore were using 'force'.

**Tackley Green (former Territorial Army land)** (BCC owned) No 29 : At its meeting on 29 September 2014 the PROWG committee accepted the inspector's recommendation that the application should be rejected since use of the application land during the relevant period had been 'by right' and not 'as of right'.

**Higham Street Green, Totterdown** (BCC owned) No 20: At its meeting on 21 July 2014 the PROWG committee agreed to declare this site as a Town Green. The application had been submitted in October 2010 and the decision was made based on reports from an independent inspector. Questions were raised over the 'locality' used in the application but this was resolved with the applicant agreeing to amend application.

**Wellington Hill Playing Field** (BCC owned) No 18: At its meeting on 27 January 2014 the PROWG committee agreed to declare this site as a Town Green. The application was made in October 2010 with the support of Friends of Horfield Common. The Council objected to the application in May 2011 and it was referred to an independent inspector but then in December 2013 the Council withdrew its objection. The land was held by the Council for educational use rather than public open space and use was therefore 'as of right'.

**Bramble Drive Green** (privately owned) No 28 : At its meeting on 27 January 2014 the PROWG committee agreed to declare this site as a Town Green. The land owners had withdrawn their initial objection and therefore there was no requirement for a public enquiry.

**Laundry Field** (owned by the Homes and Communities Agency) No 25 : Following an agreement between the landowner and the applicant (Snuff Mills Action Group) part of the site was voluntarily declared as a Town Green in January 2014.

**Crow Lane Open Space, Brentry** (BCC owned) No 26 : At its meeting on 14 October 2013 the PROWG committee accepted the inspector's recommendation that the application should be rejected since use of the application land during the relevant period had been 'by right' and not 'as of right'.

**Arnall Drive Open Space, Henbury** (BCC owned) No 22 : At its meeting on 14 January 2013 the PROWG committee accepted the inspector's recommendation that the application should be rejected since use of the application land during the relevant period had been 'by right' and not 'as of right'.

**Elderberry Walk Open Space** (BCC owned) No 21 : At its meeting on 14 January 2013 the PROWG committee accepted the inspector's recommendation that the application should be rejected since the land had been held as public open space and therefore use was "by right" rather than "as of right".

**Okebourne Open Space, Brentry** (BCC owned) No 16 : At its meeting on 14 January 2013 the PROWG committee accepted the inspector's recommendation that the application should be rejected since the land had been held as public open space and therefore use was "by right" rather than "as of right".

**The Green, Bracey Drive, Downend** (BCC owned) No 19 : At its meeting on 17 September 2012 the PROWG committee accepted the inspector's recommendation that the application should be rejected since the land had been held as public open space and therefore use was "by right" rather than "as of right".

**Grove Wood** (private ownership) No 15 : This application is for privately owned woodland at Snuff Mills. The Council held negotiations to purchase the land and has said that it intends to declare it as a Local Nature Reserve. The landowner objected to the Town Green application. The public inquiry was held in two parts in April and August 2011. The inspector's report recommended that the land should be a Town Green. This was agreed by the PROWG committee on 15th March 2012.  
<http://snuffmills.blogspot.com/>

**Filwood Park** (private ownership ex BCC) No 14 : Town Green Application made in 2009. The Council sold the Park to English Partnerships (now Homes and Communities Agency) for residential development without many local residents being aware of what was happening and before the parks and open spaces strategy was adopted. Following the public enquiry the Inspector issued his report which recommends that the application should be rejected. The PROWG committee upheld the Inspector's recommendation and rejected the application on 20 February 2012.  
<http://tinyurl.com/6no7owe>

**'Asda Field' Whitchurch** (BCC owned) No 10: This application was made on 11 February 2008. The inspector at first public inquiry in April 2009 confirmed that land had not been appropriated as public open space. Second public inquiry in February/March 2011 considered use for recreation. The inspector's report recommended that the site should be registered as a Town Green and this recommendation was accepted by the Committee on 3rd October 2011. <http://tinyurl.com/65tqb3n>

**Aston Vale Fields (South)** (private ownership) No 12/13 - recommended for approval by the inspector at the public inquiry. Went to the Public Rights of Way and Greens Committee on 16th June 2011 who agreed that the south part of the site should be a TG. Links to the Inspector's report, the Council report to the 16th June Committee meeting and the Applicants' submission on Nov 2010 are on the BPF website at [www.bristolparksforum.org.uk/ashton-vale-town-green/](http://www.bristolparksforum.org.uk/ashton-vale-town-green/) The decision not to register the northern part was subject to a Judicial Review and the Council decided to refer the non-registered northern part of the site back to the inspector. See [www.bristol.gov.uk/node/11720](http://www.bristol.gov.uk/node/11720) However, before the inspector could hold a further inquiry a compromise was agreed and this was supported by the PROWG committee on 21 July 2014. The result was the voluntary registration of a further area of TG while the tip area was withdrawn from the application area meaning that it will not be registered.

**Cotswold Road Green** (BCC owned) - Public Rights of Way and Greens Committee on 18th October 2010 upheld the inspector's recommendation that the application be rejected because the land had been appropriated as public open space in 1984. The Committee resolved that 'Cabinet be requested to voluntarily declare the land known as Cotswold Road Green as a Town or Village Green'.

**Castle Park** (BCC owned) - Public Rights of Way and Greens Committee on 3rd August 2009 upheld the inspector's recommendation that the application be rejected 'Since Castle Park had been acquired following a Compulsory Purchase Order 'for the purposes of dealing with war damage', he had concluded that in 1978, when the resolution to use the land as a park was passed, it must have been implicit in that decision that the land was being appropriated to a new statutory purpose'. The Committee resolved that the Committee requests that the Council Executive consider bringing forward proposals for Castle Park to be voluntarily made a Town Green, as per the 2006 Act, as part of any future development proposals. [www.castlepark.org.uk](http://www.castlepark.org.uk)

**Land at Ambra Vale East, Clifton Wood** (unknown ownership) - Public Rights of Way and Greens Committee on 19th January 2009 resolved that the application be granted. Despite extensive searches, it had not been possible to identify the current owner of the land. There were no objections and therefore no inquiry. <http://tinyurl.com/9r2f9q>

**South Purdown** (BCC owned) - Public Rights of Way and Greens Committee on 29th October 2007 upheld the inspector's recommendation that the application be rejected because 'the Inspector had reviewed the situation up until July 2006 and found that there had been a statutory trust for the twenty preceding years'. Access was therefore 'by right' and not 'as of right' ie there was permission to use the site.