

Application 2818

Application for the registration of a village green

under section 15 of the Commons Act 2006

at Penrose Green, Penrose, St. Ervan, Wadebridge

Decision

The application is granted, excepting an area containing a garage on the eastern part of the application land.

Reasoning

1 A significant number

The application is supported by eight evidence questionnaires. I consider this signifies the land is in general use by the local community, rather than occasional use by individuals as trespassers (*R (McAlpine) v Staffordshire County Council*).

2 Of the inhabitants of any neighbourhood within a locality

The neighbourhood claimed is the hamlet of Penrose. The neighbourhood falls within the parish of St. Ervan

3 Have indulged as of right

All eight evidence questionnaires have been completed with no permission sought or given to enter the land, and no signs, fences or other action taken by the owner to prohibit entry onto the land. The land is in the ownership of Cornwall Council; No. CL258135. The land is not recognised as a public open space, neither as forming part of the public highway.

4 In lawful sports and pastimes

The evidence questionnaires suggest a variety of sports and pastimes:

- Barbeques
- Carol singing
- Children playing
- Football
- Fundraising
- Morris dancing
- Parties
- Sitting on the bench – smaller, easterly parcel of land
- Village social events
- Walking

The sports and pastimes have taken place daily and seasonally.

5 On the land

The evidence questionnaires are supported by maps showing the location of properties in relation to the land, 'The Green', which is also delineated, excepting the area occupied by the garage.

6 For a period of at least twenty years

Four of the evidence questionnaires cover the past twenty years in full.

Two evidence questionnaires vary in length from twelve to eighteen years.

Two of the questionnaires ended use prior to 1993 and therefore have been discounted.

Together six evidence questionnaires show use on the land for at least twenty years.

7 Representations

No representations have been received, either objecting or supporting the application.

8 Conclusion

On the balance of probabilities, without any evidence to the contrary, the application appears to meet the regulatory requirements for registration as a village green.

Report by: Martin Wright
Title: Senior Development Officer
with responsibility for common land and village greens

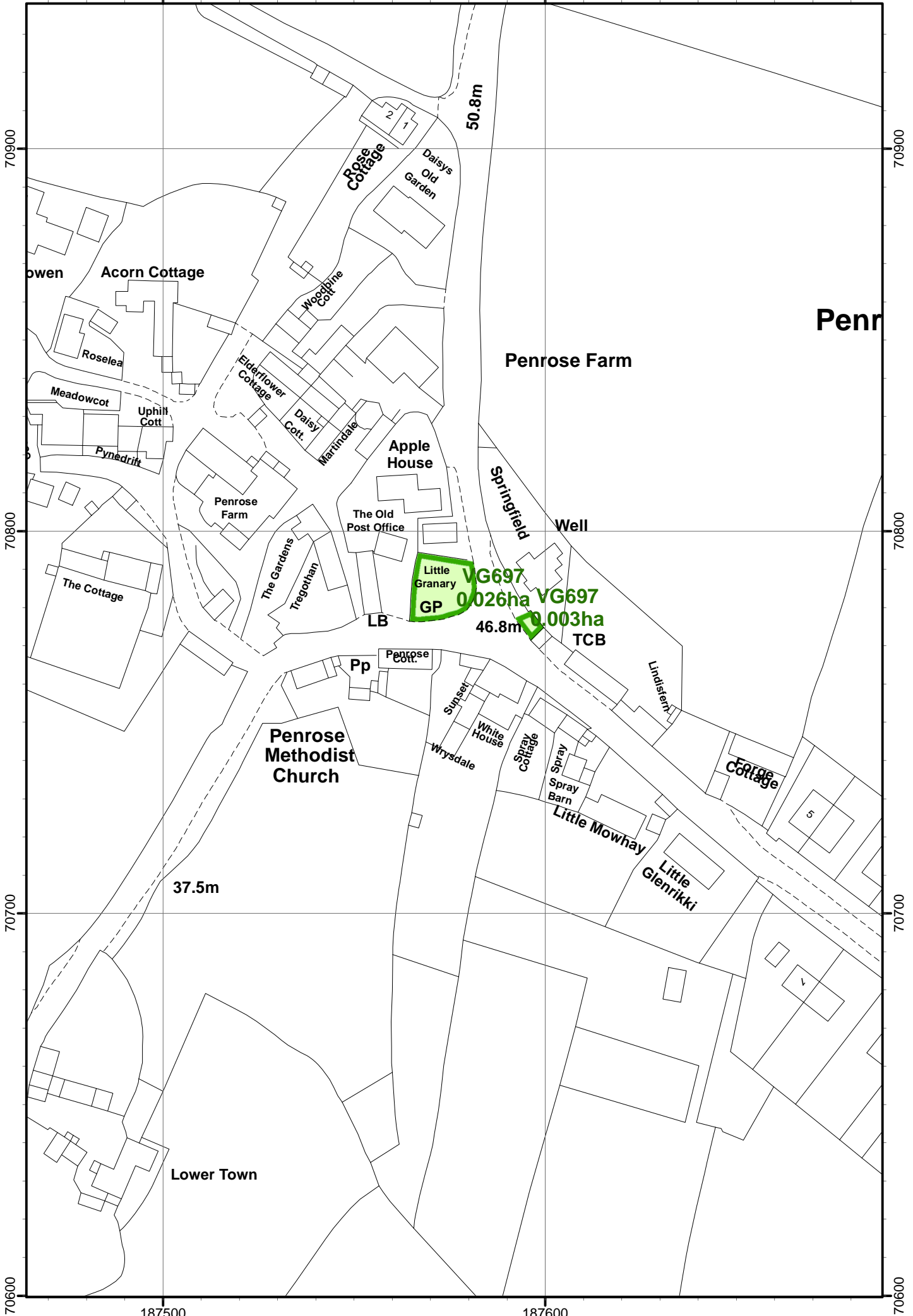
Date: 1st November 2013

Authorising Officer: Andrew England 
Title: Assistant Head of Planning, Housing & Regeneration

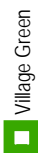
Date: 4 November 2013

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Key



Village Green

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