

BRABOURNE PARISH COUNCIL
14 Sandyhurst Lane
Ashford
TN25 4NS
01233 623902

clerk@brabournepc.kentparishes.gov.uk

8 MAR 2016

Mr D McBride
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
TN23 1PL

4th March 2016

Dear Mr McBride

Application to register Hospital Field Brabourne as an Asset Of Community Value

Thank you for your email of 22nd February.

As previously advised, I am now submitting a sample of 10 from the 61 evidence questionnaires regarding community use of the land which were returned to the Parish Council.

In light of the fact that these were questionnaires completed by residents in support of the application to register Hospital Field as a village green, names and signatures have been redacted on advice.

If you need any further information please do not hesitate to contact me.

Yours sincerely



Susan Wood
Clerk to Brabourne Parish Council

**COMMONS ACT 2006 – SECTION 15:
EVIDENCE QUESTIONNAIRE IN SUPPORT
OF VILLAGE GREEN APPLICATION**



Notes for completion

The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the application.



Kent County Council will process the information you provide in connection with the application for Village Green status only and it will not be used for any other purposes without your consent. Please note that all or part of the information provided on this form may pass into the public domain during the processing of the application and therefore cannot be treated as confidential.

Name:

Address (incl. postcode): 3 MOUNTBATTEN WAY
BRABOURNE LEES ASHFORD KENT
TN25 6PZ

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. YES NO
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? YES NO
If not, please supply previous address below and mark on the plan.

Please provide date of move: (year)

4. By what name is the land known locally (if any)?

HOSPITAL FIELD

YOUR USE OF THE LAND

5. For how many years have you known the land? 30...years
6. When did you first start using the land? 1985..(year)
7. Are you still using the land? YES NO
If not, please state when you stopped using the land and why.

8. Have you ever had any extended breaks from using the land (e.g. military services, family commitments, extended incapacitation) YES NO
If yes, please indicate dates

9. When using the land, how and where did you gain access?
VIA FOOTPATH BEHIND MOUNTBATTEN
WAY ON LEES ROAD

10. To your knowledge, are there any public paths (e.g. footpaths or bridleways) crossing the land? YES NO

11. How frequently have you used the land? (e.g. daily, weekly, monthly, occasionally) DAILY

12. Has this pattern of use remained the same throughout your use of the land? If not, please provide details. YES NO

13. What activities did you take part in when on the land? Please list all of the activities which you have undertaken on the land.
KITE FLYING
BIRD WATCHING (DAILY) BIRDS OF PREY
WALKING
CHILDRENS PICNICS
WALKING
COLLECTING BLACK BERRIES.

CHALLENGES TO USE

14. Have you, or anyone known to you, ever been verbally stopped, prevented from using or turned back when using the land? YES NO
If yes, please provide details (including dates).

15. Have you ever been told by the landowner/occupier, or by anyone in their employment, that the land was private? YES NO
If yes, please provide details (including dates).

16. Have you ever been prevented, or deterred, from using the land because of obstructions?
If yes, please provide details (including dates). YES / NO

17. Have you ever seen any notices on, or associated with the land?
If yes, please provide details (including dates). YES / NO

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? YES / NO
If yes, please list all the activities which you have seen taking place on the land.

DOG WALKING PICNICING
RAMBLING
HORSE RIDING

19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally)

DAILY

20. Do you know of any organisations that use the land for formal sports?
If yes, please provide details. YES / NO

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality?
If yes, please provide details. YES / NO

RESIDENT MOUNTBATTEN WAY

22. What recognisable facilities are available to the local residents within your locality?

SMEETH PLAYING FIELD
VILLAGE HALL

LANDOWNER

23. Do you know who the owner or occupier of the land is?
If yes, please provide details. *~~YES~~ / NO
24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. *~~YES~~ / NO
25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). *~~YES~~ / NO

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

SPARROW HAWKS, KESTRELS + BUZZARDS
USE THIS FIELD TO FEED FREQUENTLY
ITS ONE OF OUR PLEASURES TO WATCH
THEM.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

Signed:.....

30/1/2016.....

Name (please)

.....

Thank you for taking the time to complete this questionnaire. Please return your completed form to the person who sent it to you along with a copy of the plan. The information provided will be used by Kent County Council in deciding whether or not to register the land as a Village Green.

**COMMONS ACT 2006 – SECTION 15:
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Name:

Address (incl. postcode): 13 Mountbatten Way
Brabourne Lees, Kent.
TN25 6PZ.

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. *YES / ~~NO~~
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? *YES / ~~NO~~
If not, please supply previous address below and mark on the plan.

Please provide date of move: (year)

4. By what name is the land known locally (if any)?
Hospital Field.

YOUR USE OF THE LAND

5. For how many years have you known the land?13..... years
6. When did you first start using the land? 2003 (year)
7. Are you still using the land? *YES / ~~NO~~
If not, please state when you stopped using the land and why.

8. Have you ever had any extended breaks from using the land (e.g. military services, family commitments, extended incapacitation) *YES / NO
If yes, please indicate dates

9. When using the land, how and where did you gain access?
At recognised gateways and access points, all associated with a public right of way.

10. To your knowledge, are there any public paths (e.g. footpaths or bridleways) crossing the land?
several, well used on daily basis! *YES / ~~NO~~

11. How frequently have you used the land? (e.g. daily, weekly, monthly, occasionally)
weekly.

12. Has this pattern of use remained the same throughout your use of the land?
If not, please provide details. *YES / ~~NO~~

13. What activities did you take part in when on the land? Please list all of the activities which you have undertaken on the land.

walking, ball games, nature watching, home work assignments with daughter - such as wild flower collection, bug hunting. Bird watching, fossil hunting (on surface). Collecting dry gleanings after crop removed. Star gazing, one of the best areas in the locality where dark skies exist for good star watching with telescope for the children. Use of Bat detector (sonar) for bat identification and survey for 2nd Bat Group - very high number of bats recorded.

CHALLENGES TO USE

14. Have you, or anyone known to you, ever been verbally stopped, prevented from using or turned back when using the land? *YES / NO
If yes, please provide details (including dates).

No, but I have respected any field crops if they were present.

15. Have you ever been told by the landowner/occupier, or by anyone in their employment, that the land was private? *YES / NO
If yes, please provide details (including dates).

13 contd:
Building snowmen and sledge pulling in winter, water drawing wildlife for school assignments, (Herons, Herons, grass snakes. Field walking for surface archaeological finds - slag worked flints, a quern stone found.

16. Have you ever been prevented, or deterred, from using the land because of obstructions? ~~YES~~ / NO
If yes, please provide details (including dates).

17. Have you ever seen any notices on, or associated with the land? ~~YES~~ / NO
If yes, please provide details (including dates).

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? ~~YES~~ / NO
If yes, please list all the activities which you have seen taking place on the land.

walking, running, cycling, horse-riding, golf practice, model helicopter flying, kite flying, metal detecting, hedgerow fruit picking, mushroom hunting/gathering, bird watching, various ball games, dog walking.

How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally)

others more weekly daily for walking, dog walking,

20. Do you know of any organisations that use the land for formal sports? ~~YES~~ / NO
If yes, please provide details.

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality? ~~YES~~ / NO
If yes, please provide details.

A resident of Bradbourne Lees village.

22. What recognisable facilities are available to the local residents within your locality?

village hall, scout hall, playing field (1 mile away)
childrens play area with equipment (1 mile away).

LANDOWNER

23. Do you know who the owner or occupier of the land is?
If yes, please provide details. ~~YES~~ / NO
24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. ~~YES~~ / NO
25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). ~~YES~~ / NO

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

There is a historical, and possibly archaeological association. "Hospital Field" referring to the military use in early 1800's associated with the mustering of British forces pre disembarkation to the Napoleonic wars. A hospital barracks & prison were situated in the field when it was common land. The open space, its access & use are integral to the identity and logical boundary of the village of Brabourne Lees. This land is visible from the Kent Downs and Pilgrims way in the adjacent AONB.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

Signed: _____

26/1/2016

Name (p) _____

Thank you for taking the time to complete this questionnaire. Please return your completed form to the person who sent it to you along with a copy of the plan. The information provided will be used by Kent County Council in deciding whether or not to register the land as a Village Green.

**COMMONS ACT 2006 – SECTION 15:
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Name:

Address (incl. postcode): 67 MOUNTBATTEN WAY
BRABOURNE LGS, ASHFORD, KENT
TN25 6PU

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. *YES/NO
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? *YES/NO
If not, please supply previous address below and mark on the plan.

Please provide date of move: (year)

4. By what name is the land known locally (if any)? HOSPITAL FIELD

YOUR USE OF THE LAND

5. For how many years have you known the land? 30.....years
6. When did you first start using the land? 1986.....(year)
7. Are you still using the land? *YES/NO
If not, please state when you stopped using the land and why.

8. Have you ever had any extended breaks from using the land (e.g. military services, family commitments, extended incapacitation) *YES / **NO**
If yes, please indicate dates

9. When using the land, how and where did you gain access?

THROUGH PUBLIC FOOTPATH BETWEEN 35 + 65
MOUNTBATTEN WAY

10. To your knowledge, are there any public paths (e.g. footpaths or bridleways) crossing the land? *YES / **NO**

11. How frequently have you used the land? (e.g. daily, weekly, monthly, occasionally)

DAILY / WEEKLY

12. Has this pattern of use remained the same throughout your use of the land? If not, please provide details. *YES / **NO**

13. What activities did you take part in when on the land? Please list all of the activities which you have undertaken on the land.

- WALKING ACROSS FIELD VIA FOOTPATHS & IN GENERAL
- CHILDREN PLAYED IN FIELD WHEN YOUNG (WHEN CROPS
- CYCLING ALONG PATH (KITE HARVEST
- WALKING TO ALLOTMENT FLYING)
- JOGGING
- USE TO BURN HEDGE CUTTINGS

CHALLENGES TO USE

14. Have you, or anyone known to you, ever been verbally stopped, prevented from using or turned back when using the land? *YES / **NO**
If yes, please provide details (including dates).

15. Have you ever been told by the landowner/occupier, or by anyone in their employment, that the land was private? *YES / **NO**
If yes, please provide details (including dates).

16. Have you ever been prevented, or deterred, from using the land because of obstructions?
If yes, please provide details (including dates). *YES/NO
17. Have you ever seen any notices on, or associated with the land?
If yes, please provide details (including dates). *YES/NO

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? *YES/NO
If yes, please list all the activities which you have seen taking place on the land.
- DOG WALKERS
 - HORSE RIDERS
 - CHILDREN PLAYING
 - ADULTS/CHILDREN PICKING
 - JOGGERS
 - CYCLISTS
 - FLYING KITES
 - BLACKBERRIES GR
 - SNOWBALLS/SNOWMEN
 - IN WINTER
19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally)
DAILY
20. Do you know of any organisations that use the land for formal sports?
If yes, please provide details. *YES/NO

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality?
If yes, please provide details. *YES/NO
IN MOUNTBATTEN WAY, BRABOURG LGS
22. What recognisable facilities are available to the local residents within your locality?
PLAY PARK - CHILDREN
PLAYING FIELD BY SCOUT HUT

LANDOWNER

23. Do you know who the owner or occupier of the land is?
If yes, please provide details. *YES / **NO**
24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. *YES / **NO**
25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). *YES / **NO**

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

Over the past 30 years, the field has consistently been used by walkers, joggers, cyclists, horse riders, children. After harvest-time, people ~~can~~ use the field for collecting blackberries, plums etc, & exercising dogs. The field is easily accessible as there are no gates.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

Signed:..

Date: *29.1.16*

Name (pl

.....

Thank you for taking the time to complete this questionnaire. Please return your completed form to the person who sent it to you along with a copy of the plan. The information provided will be used by Kent County Council in deciding whether or not to register the land as a Village Green.

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Name:

Address (incl. postcode):

2 MOUNTBATTEN WAY,
BRABOURNE LEES,
ASHBORD, KENT,
TN25 6PZ

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. ***YES / NO**
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? ***YES / NO**
If not, please supply previous address below and mark on the plan.

Please provide date of move: (year)

4. By what name is the land known locally (if any)?

HOSPITAL FIELD

YOUR USE OF THE LAND

5. For how many years have you known the land?36.....years
6. When did you first start using the land? ...1980..(year)
7. Are you still using the land? ***YES / NO**
If not, please state when you stopped using the land and why.

8. Have you ever had any extended breaks from using the land (e.g. military services, family commitments, extended incapacitation) *YES / **NO**
If yes, please indicate dates

9. When using the land, how and where did you gain access?
THE PUBLIC FOOTPATH ENTRY ADJACENT TO REAR OF NO 1 MOUNTBATTEN WAY

10. To your knowledge, are there any public paths (e.g. footpaths or bridleways) crossing the land? **YES** / NO

11. How frequently have you used the land? (e.g. daily, weekly, monthly, occasionally)
MOSTLY DAILY THROUGHOUT THE WHOLE YEAR'S CYCLE.

12. Has this pattern of use remained the same throughout your use of the land? If not, please provide details. **YES** / NO

13. What activities did you take part in when on the land? Please list all of the activities which you have undertaken on the land.

- A. A PLACE TO WALK AROUND THE HEDGEROWS AND ENJOY THE COUNTRYSIDE
- B. A PLACE OUR CHILDREN COULD LEARN ABOUT NATURE THROUGH THE SEASONS
- C. A WONDERFUL AREA FOR BLACKBERRIES, SLOES, ROSE HIPS FOR COUNTRY JAMS & WINES.
- D. PERFECT FOR EXERCISING OUR 4 DOGS OVER THE TIME WE HAVE LIVED HERE
- E. WHEN UNCULTIVATED IT WAS A PLACE TO ENJOY AS A MEADOW WITH WILD FLOWERS & GRASSES.
- F. A PLACE TO PLAY GAMES WITH THE CHILDREN, PICNIC AND FEEL AT ONE WITH NATURE

CHALLENGES TO USE

14. Have you, or anyone known to you, ever been verbally stopped, prevented from using or turned back when using the land? *YES / **NO**
If yes, please provide details (including dates).

15. Have you ever been told by the landowner/occupier, or by anyone in their employment, that the land was private? *YES / **NO**
If yes, please provide details (including dates).

16. Have you ever been prevented, or deterred, from using the land because of obstructions?
If yes, please provide details (including dates). *YES / NO

17. Have you ever seen any notices on, or associated with the land?
If yes, please provide details (including dates). *YES / NO

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land?
If yes, please list all the activities which you have seen taking place on the land. *YES / NO
A large amount of local people have used the field in much the same way as detailed in Q 13.
19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally)
Whole families and individuals up to 20 or 30 persons a day at times.
20. Do you know of any organisations that use the land for formal sports?
If yes, please provide details. *YES / NO

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality?
If yes, please provide details. *YES / NO
I am a long term resident of Bradbourne Lees for 37 years and very familiar with the surrounding neighbourhood.
22. What recognisable facilities are available to the local residents within your locality?
We have a Village Hall, 1 Grocery shop / Post Office, Hairdressers, Estate Agents, Pubs & Restaurants, 3 Churches, a Thriving Scout & Guide units with HQ, a sports playing field adjacent and a play area (but located at the South end of the community).

LANDOWNER

23. Do you know who the owner or occupier of the land is? ***YES** NO
If yes, please provide details.
NOT BY NAME BUT KNOW THEY ARE FROM DEVON SO VERY
MUCH DISCREET OWNERS!
24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. ***YES** NO
25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). ***YES** NO

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

THE PIECE OF LAND KNOWN AS THE "HOSPITAL FIELD" HAS HISTORICAL VALUE AS PART OF THE MILITARY ESTABLISHMENT (BEING THE HOSPITAL) DURING THE NAPOLEONIC WARS. THERE ARE STILL TO BE FOUND ARTEFACTS, THE FIELD IF PROPERLY MAINTAINED AS MEADOW/VILLAGE GREEN WOULD PROVIDE A SIGNIFICANT AMENITY TO THE COMMUNITY AROUND, A PLACE OF EDUCATION FOR CHILDREN TO LEARN & RESPECT NATURE, A HAVEN FOR SMALL WILDLIFE AND BIRDS UNDER GREAT TREES IN OUR COUNTRYSIDE. AN ASSET FOR THE COMMUNITY AT LARGE.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

Signed:

Date: 28/01/2016

Name (i)

Thank you for taking the time to complete this questionnaire. Please return your completed form to the person who sent it to you along with a copy of the plan. The information provided will be used by Kent County Council in deciding whether or not to register the land as a Village Green.

9

LAND ADJ. LEES ROAD BRABOURNE LEES
ASHFORD KENT KNOWN AS 'HOSPITAL FIELD'

A. Why I can provide strong credible and relevant evidence

1. I have lived at 77 Mountbatten Way Brabourne Lees since November 1989. I have lived at this address continuously for just over 26 years. My house backs directly onto Hospital Field-as shown on the attached plan (the Field). Although my garden does not have a gated access direct to the Field, many houses do have such access and make regular use of it to enjoy the Field. In addition there are many points of open unrestricted access to the land around its perimeter including accesses direct from housing areas and from public highways.
2. I have a clear view of more than half the Field from my garden, conservatory and kitchen. I have panoramic views of most of the field from two first floor bedrooms at the rear of the house. Accordingly I know the VG application site extremely well.
3. I also know the neighbourhood of Brabourne Lees very well, and the surrounding areas. About $\frac{3}{4}$ mile from the VG application site is a small fenced-in formal play area with climbing frames etc managed by Smeeth Parish Council with an adjoining formal playing field and about $\frac{1}{4}$ a mile away at the junction of Lees Road and Church Road is a large grassed area. Both are popular leisure facilities but they support a different type of use from the VG application land.
4. The VG application land contains no formal play area or equipment and is not suitable for or used for formal organised sport or community events, such as football matches, cricket, village fetes etc. These activities take place primarily in and adjoining the Smeeth play area and the grassed area above.
5. The VG application land is the sole community destination for a different type of activity, a more informal recreation, and use by individuals (including children on their own on occasions) and small groups of family/friends. It offers a quite different less intimate character, an attractive rural aspect, more space to play with and exercise children and pets with little or no impact on other users. In common with the other facilities in the wider area, though, its use tends to be most extensive in spring, summer and early autumn evenings, at weekends and in school holidays.
6. I am aware that a local benefactor contacted the landowner last year offering to purchase the VG application land for the benefit of the community. She received no response from the owners presumably because they intended to pursue the housing development, something unknown to the residents at the time of the benefactor's offer. The relevance of the benefactor's offer,

(a)

however, is clear. It demonstrates the fact that the land is widely regarded as a community benefit / asset, reflecting the use to which it has been put by local inhabitants for more than 20 years.

7. I have always regarded the tranquil, natural setting of the Field as a great amenity and benefit for my home and indeed for the Brabourne Lees area as a whole. For this reason I have always spent time each day enjoying the views the Field affords. A day does not go by when I do not stand in my garden or at the windows of the rooms overlooking the Field and take in the views and, of course, take in whatever activity there is in the Field. I estimate that over the past 26 years (except for occasional brief absences of no more than 2 weeks at a time whilst on holiday etc) I have spent time enjoying views and observing activity in the Field on some 9,000 consecutive days. It is rare during the day outside the midwinter months to gaze across the field for a few minutes and see no one using it. Few people are better placed than me to describe in detail the nature and extent of use to which the field has been put during the past 26 years.

B. Introduction to my evidence of use of the Field

8. From the very beginning of my residence in [1989] I noticed that many residents from the area used the Field for informal recreation and leisure purposes [I recall being surprised that even though it was November when I moved in, there was noticeable activity in and across the Field]. I knew then exactly where the lines of the public footpaths were since I took great care on such matters when purchasing my home. It was clear ^{way} from the outset that informal recreational use of the Field was not in any way confined to those footpaths, or indeed even to the immediate areas adjoining the footpath. The use I saw from the beginning was of the Field as a whole. Obviously some people do walk themselves or with dogs roughly along the lines of routes or along other desire lines which are not footpaths but often the lines of the diagonal paths in particular are indistinct eg: after heavy rain or snow or when crops are growing or after ploughing or harvesting (in years when the Field has been cropped). This may have contributed to the fact that a significant number of users of the Field pay little or no regard to the path routes save to gain access to the Field.

C. My own use of the Field

9. My and my family's own use of the Field for informal recreation has been regular, albeit not so frequent as many other residents of the area who I often observe using the Field from my home. Outside winter months, my own use on average is more like weekly or fortnightly than daily. In winter my use is fairly described as infrequent.
10. Personally, I cannot recall ever crossing the Field from one side to the other by sticking to footpaths. Although I have walked, for example, from the Mountbatten Way end of the Field to the north/north-east towards the top corner where one can join the road to the local school and the hugely popular Five Bells public house, there is no adopted footpath on that route. On other

occasions I have used the Field as a whole as a place to wander randomly, enjoying the weather and natural environment rather than any particular route or following any 'desire line'.

I do not own a dog¹ but often when using the Field – especially in spring and summer months – I pause, sit quietly, enjoy the view or (as autumn approaches) look for blackberries in the hedgerows; or spend time just strolling around seeking out the joys of the natural environment and the habitats of its many creatures. In more recent times I have enjoyed this on occasions with my young daughter. I suppose, in a way, the Field is an extension to my garden which adjoins the Field.

D. My Observations of use of the Field by others

11. Anyway, at such times one is rarely alone for long. Especially when the Field is dry and the weather fair, significant numbers of local residents use it for a wide range of purposes. Amongst the more regular uses I have witnessed on many hundreds of occasions over the years in order of regularity are:

- 'dog-walking and dog exercising across the Field as a whole. What I have frequently observed could not be fairly described as simply dogs straying off the line of recognised footpaths. The manner of use suggests to me an assumption by many owners of a right to general use of the Field for this purpose. Indeed it is regrettable that one can sometimes see dog mess in the Field in areas far away from footpaths. I have never seen a dog on a lead in the Field in 26 years, again giving a feel for the free nature of the use exercised.
- Family recreation including walking, children playing and running, playing ball and other games, sometimes riding a bicycle or two. Sometimes even "buggies" or prams are to be seen. On occasions in summer I have seen children playing on their own without parents present and I have also seen small groups of friends or family tarrying over a sit-down snack or drink. I can also say that it is not unusual in such periods for residents in the houses adjoining the Field to be aware of some noise from the Field as inhabitants use it in the various ways described. I have also noticed low levels of litter across the field on occasions, further evidence in my opinion of the informal recreational nature of the user.
- Adults and teenagers exercising especially jogging or running
- Model aircraft flying
- Fruit-picking in the hedgerows
- Horse-riding across the field, (rarely on or near the lines of footpaths as it happens)
- Occasional kite-flying and, of course, snow-play on the occasions the Field has a decent covering of snow.

¹ But I have always owned cats (and still do) sometimes as many as three at the same time. The cats have themselves made very extensive use of the Field and many is the time I have played for ages in the Field with the cats; great fun for me and for them, especially at times when crops are growing and hiding and simulating hunting are that much easier. So this is another somewhat unusual example of regular informal recreation use.

12. Very little of the above activity I have seen is undertaken in a fixed linear fashion or confined only to the line of public footpaths. Indeed most of it could not practically be so confined. Naturally, the range and frequency of uses is greater at weekends and holiday periods between spring and the onset of winter than it is at other times and during the winter months. But even in winter – especially in dry, cold spells or snow when the land is firm – use of the Field for some of the above activities can remain at noticeable levels.

E. Have there been significant time gaps in the use of the Field from my observations?

13. I have never seen access to or use of the Field – or any part of it – restricted by the owner, whether by way of notice, fencing off, or for example the carrying out of building or other works. Of course when ploughing or harvesting takes place there may be a day or so when users may have chosen through sheer practicality and civility to the owner/tenant to not use the Field other than the perimeter but otherwise I cannot recall interruptions in the use of the Field.
14. It is easy to assume that the fact a field is put down to arable use must mean that there are significant breaks in user. The Field has not been cropped every year but I can recall crops of corn, peas etc over the years. However the reality in the case of this Field is that the two uses have been able to co-exist and the relatively low-level agricultural activity in the Field has not prevented informal recreation use.
15. When in arable use, the lines of the diagonal PROW paths are rarely visible anyway so even walkers will naturally ramble. I have myself used the Field for informal recreation during crop-growing (see earlier) and I have observed others also using the Field in these periods. User may be more limited, but it certainly remains material in extent. Indeed one sees dog exercising and family use taking place in, if anything, more playful ways as children and animals use the cover provided by crops to play different games over wider areas such as hide and seek. Pets can be seen using much of the field as hunting territory. Indeed few activities of the type mentioned by me need be significantly affected by a crop growing.
16. Neither the owner nor tenant are on site to witness such activity. I am sure that any reasonable owner, being aware of the extent and nature of user, could be in no doubt that users on the Field appeared to be exercising a right to engage in informal recreation on it.

F. Has use of the Field been openly and freely exercised?

17. To my knowledge, the owner of the Field (who lives in Devon) has never sought to prevent, restrict or control the informal recreation use of the Field or to claim its use is only by his consent. This fact has also doubtless added to the level of use.

18. It is clear to me that the use of the Field by those in the neighbourhood over all these years has been exactly as if they were entitled to so use it ie: openly, without force and tolerated by the owner without protest. I am sure the use as a whole would have appeared to a reasonable landowner as the exercise or assertion of such rights.

G **My Conclusions on the nature of use of the Field**

19. I am in no doubt, from a combination of my own use of the Field and my daily observations over many years of the activities of others, that a significant number of residents in the area have indulged in informal recreation on the Field for well over 20 years. They continue to do so.
20. My clear impression is that the scale and frequency of use is far from trivial or sporadic; on the contrary I would describe it as indicating the land is in general use by the local community for informal recreation rather than occasional use by trespassers. Obviously I do not personally know all or even most of those I have seen use the Field over the years, but I do recognise many as "villagers" who I see from time to time in and around the Brabourne Lees area. Whilst I could not, of course, claim to have seen each and every square metre of the Field used for informal recreation by the community, it is fair to describe my overall impression as one of use of the Field as a whole, rather than use of any particular section or area of it or use only of the footpaths thereon.
21. In conclusion, I consider the character, degree and frequency of use of the Field to be consistent with its registration as a village green.

SIGNED: _____

DATE: 30 JANUARY 2016

COMMONS ACT 2006 – SECTION 15:
EVIDENCE QUESTIONNAIRE IN SUPPORT
OF VILLAGE GREEN APPLICATION



Notes for completion

The object of this questionnaire is to reach the truth of the matter whatever that may be. You are requested to answer the questions as accurately as possible and not to withhold any information, whether for or against the application.



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Name:

Address (incl. postcode):

76 MOUNTBATTEN WAY BRABOURNE LEES
ASHFORD KENT TN25 6PU

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. * YES / ~~NO~~
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? * YES / ~~NO~~
If not, please supply previous address below and mark on the plan.

Please provide date of move: MARCH...89. (year)

4. By what name is the land known locally (if any)? HOSPITAL FIELD

YOUR USE OF THE LAND

5. For how many years have you known the land? ..50.....years
6. When did you first start using the land? 1989..(year)
7. Are you still using the land? * YES / ~~NO~~
If not, please state when you stopped using the land and why.

16. Have you ever been prevented, or deterred, from using the land because of obstructions? *~~YES~~ / NO
If yes, please provide details (including dates).

17. Have you ever seen any notices on, or associated with the land? *~~YES~~ / NO
If yes, please provide details (including dates).

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? (~~YES~~) / ~~NO~~
If yes, please list all the activities which you have seen taking place on the land.

19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally) DAILY

20. Do you know of any organisations that use the land for formal sports? *~~YES~~ / NO
If yes, please provide details.

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality? *YES / ~~NO~~
If yes, please provide details.

22. *I brought my house for the views over looking the fields North Downs. With the ability to enter field for walks & exercise with dogs.*
What recognisable facilities are available to the local residents within your locality?

Football field with play area & Scout Hut.

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**COMMONS ACT 2006 – SECTION 15:
EVIDENCE QUESTIONNAIRE IN SUPPORT
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Notes for completion

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Name:

Address (incl. postcode):

75, MOUNTBATTEN WAY,
BRABOURNE LEES,
ASHFORD TN24 5 6PU

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. *YES / ~~NO~~
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? *YES / ~~NO~~
If not, please supply previous address below and mark on the plan.

Please provide date of move: (year)

4. By what name is the land known locally (if any)?
HOSPITAL FIELD

YOUR USE OF THE LAND

5. For how many years have you known the land? ...30... years
6. When did you first start using the land? 1985... (year)
7. Are you still using the land? *YES / ~~NO~~
If not, please state when you stopped using the land and why.

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**COMMONS ACT 2006 – SECTION 15:
EVIDENCE QUESTIONNAIRE IN SUPPORT
OF VILLAGE GREEN APPLICATION**



Notes for completion

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Name:

Address (incl. postcode).

7, MOUNTBATTEN WAY
BRABOURNE LEES, TN25 6PZ

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. **YES/NO**
2. Please mark the location of your house on the plan with an 'X'. ✓
3. Have you lived at the address given above during the entirety of your period of use of the land? ***YES/NO**
If not, please supply previous address below and mark on the plan.

• 1, Granville Villas, Brabourne Lees 1974 - 1985 } Kay Bell W.
 • Bentley Lodge, Lilyvale Smith, TN25 6RB 1985 - 2000 }

Please provide date of move: (year)

4. By what name is the land known locally (if any)?
Ashley Bell Wood 2007 - current time

Hospital Field, Brabourne Lees

YOUR USE OF THE LAND

5. For how many years have you known the land? 42 years
6. When did you first start using the land? 1982 (year)
7. Are you still using the land? ***YES/NO**
If not, please state when you stopped using the land and why.

16. Have you ever been prevented, or deterred, from using the land because of obstructions? ***YES/NO**
If yes, please provide details (including dates).

17. Have you ever seen any notices on, or associated with the land? ***YES/NO**
If yes, please provide details (including dates).

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? ***YES/NO**
If yes, please list all the activities which you have seen taking place on the land.

Every day as our house backs onto the garden
Bird spotting, walking dogs, running, riding horses, riding
bikes, fruit picking, family walks, using the footpaths to

19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally) ***YES/NO**
Every day. Cycle/walk to school in Brabourne

20. Do you know of any organisations that use the land for formal sports? ***YES/NO**
If yes, please provide details.

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality? ***YES/NO**
If yes, please provide details.

Bournebatten way in Brabourne Lees.

22. What recognisable facilities are available to the local residents within your locality?

Village Shop, Village Hall, Scout hut,
play area, churches, footpaths, &
public houses, village playing field.

LANDOWNER

23. Do you know who the owner or occupier of the land is? ***YES/NO**
If yes, please provide details.

Mr Robert Johnson - word of mouth
seen in print

24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. ***YES/NO**

25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). ***YES/NO**

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

Please notes that even though there are defined
footpaths that run across / around the field,
we ourselves & others use other areas of the
field when inaccessible due to inclement
weather. ^{therefore not undertaken} when playing or when others are walking
cycling or pushing pram.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

3/10/16

Thank you for taking the time to complete this questionnaire. Please return your completed form to the person who sent it to you along with a copy of the plan. The information provided will be used by Kent County Council in deciding whether or not to register the land as a Village Green.

**COMMONS ACT 2006 – SECTION 15:
EVIDENCE QUESTIONNAIRE IN SUPPORT
OF VILLAGE GREEN APPLICATION**



Notes for completion

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Name:

Address (incl. postcode): 69 MOUNTBATTEN WAY
BRABOURNE LEE
TN25 6PX

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. * YES / ~~NO~~
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? * YES / ~~NO~~
If not, please supply previous address below and mark on the plan.

Please provide date of move: (year)

4. By what name is the land known locally (if any)?

HOSPITAL FIELD

YOUR USE OF THE LAND

5. For how many years have you known the land? ...30...years
6. When did you first start using the land? ..1986..(year)
7. Are you still using the land? * YES / ~~NO~~
If not, please state when you stopped using the land and why.

8. Have you ever had any extended breaks from using the land (e.g. military services, family commitments, extended incapacitation) ~~YES~~ / **NO**
If yes, please indicate dates
9. When using the land, how and where did you gain access?
VIA ALLEY WAY BETWEEN 63 & 65 MOUNTBATTERY WAY
10. To your knowledge, are there any public paths (e.g. footpaths or bridleways) crossing the land? ~~YES~~ / **NO**
11. How frequently have you used the land? (e.g. daily, weekly, monthly, occasionally)
DAILY
12. Has this pattern of use remained the same throughout your use of the land? If not, please provide details. ~~YES~~ / **NO**
13. What activities did you take part in when on the land? Please list all of the activities which you have undertaken on the land.
**KITE FLYING,
DOG WALKING,
FRUIT PICKING,
STAR GAZING,
BIRD WATCHING,
PICNICING,
PLAYING GAMES WITH OR CHILDREN
PLAYING IN SNOW WITH OR CHILDREN**

CHALLENGES TO USE

14. Have you, or anyone known to you, ever been verbally stopped, prevented from using or turned back when using the land? ~~YES~~ / **NO**
If yes, please provide details (including dates).
15. Have you ever been told by the landowner/occupier, or by anyone in their employment, that the land was private? ~~YES~~ / **NO**
If yes, please provide details (including dates).

6. Have you ever been prevented, or deterred, from using the land because of obstructions?
If yes, please provide details (including dates). *~~YES~~ / NO

17. Have you ever seen any notices on, or associated with the land?
If yes, please provide details (including dates). *~~YES~~ / NO

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? **YES**
If yes, please list all the activities which you have seen taking place on the land.
- | | | |
|-------------|-------------------------|------------------------------------|
| DOG WALKING | METAL DETECTING | WALKING TO & FROM BRAGGONNE SCHOOL |
| ANIMALS | FRUIT PICKING | PLAYING IN SNOW |
| KITE FLYING | SKATEBOARDING / RUNNING | GOLF PRACTISE |
| WALKING | CYCLING | HORSE RIDING |
19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally)
DAILY
20. Do you know of any organisations that use the land for formal sports?
If yes, please provide details. *~~YES~~ / NO

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality? ***YES** / ~~NO~~
If yes, please provide details. **CUNNINGHAM, 69 MOUNTBATTEN WAY
BACKS ONTO & OVERLOOKS HOSPITAL FIELD.
WE MOVED HERE IN JUNE 1986.**
22. What recognisable facilities are available to the local residents within your locality?
**PLAYING FIELD NEAR SWEETH SCHOOL.
VILLAGE HALL.**

LANDOWNER

23. Do you know who the owner or occupier of the land is?
If yes, please provide details. *~~YES~~ / NO
24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. *~~YES~~ / NO
25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). *~~YES~~ / NO

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

Please see Ancelal Statement.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

Signec

Date:..... *30th January 2016*.....

Name

Thank you for taking the time to complete this questionnaire. Please return your completed form to the person who sent it to you along with a copy of the plan. The information provided will be used by Kent County Council in deciding whether or not to register the land as a Village Green.

**COMMONS ACT 2006 – SECTION 15:
EVIDENCE QUESTIONNAIRE IN SUPPORT
OF VILLAGE GREEN APPLICATION**



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Notes for completion

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Name:

Address (incl. postcode):

LONNINGSYAT
CANTERBURY ROAD
BRABOURNE
TN25 6QP

THE LAND CLAIMED AS A VILLAGE GREEN

1. Please confirm that you agree with the boundaries of the land shown on the attached plan supplied by the applicant. *** YES / NO**
2. Please mark the location of your house on the plan with an 'X'.
3. Have you lived at the address given above during the entirety of your period of use of the land? *** YES / NO**
If not, please supply previous address below and mark on the plan.

Please provide date of move: ...1974..... (year)

4. By what name is the land known locally (if any)?

YOUR USE OF THE LAND

5. For how many years have you known the land?42....years
6. When did you first start using the land? 30th.....(year) ago
7. Are you still using the land? *** YES / NO**
If not, please state when you stopped using the land and why.

8. Have you ever had any extended breaks from using the land (e.g. military services, family commitments, extended incapacitation) * YES / NO
If yes, please indicate dates
9. When using the land, how and where did you gain access?
FOOTPATH OFF CANTERBURY ROAD
OR OFF LEES ROAD
10. To your knowledge, are there any public paths (e.g. footpaths or bridleways) crossing the land? * YES / NO
11. How frequently have you used the land? (e.g. daily, weekly, monthly, occasionally)
12. Has this pattern of use remained the same throughout your use of the land? If not, please provide details. * YES / NO

13. What activities did you take part in when on the land? Please list all of the activities which you have undertaken on the land.
Dog walking. Rambling with children. Fruit picking.

CHALLENGES TO USE

14. Have you, or anyone known to you, ever been verbally stopped, prevented from using or turned back when using the land? * YES / NO
If yes, please provide details (including dates).
15. Have you ever been told by the landowner/occupier, or by anyone in their employment, that the land was private? * YES / NO
If yes, please provide details (including dates).

16. Have you ever been prevented, or deterred, from using the land because of obstructions? ***YES / NO**
If yes, please provide details (including dates).
17. Have you ever seen any notices on, or associated with the land? ***YES / NO**
If yes, please provide details (including dates).

USE OF THE LAND BY OTHER PEOPLE

18. Have you ever seen other people using the land? ***YES / NO**
If yes, please list all the activities which you have seen taking place on the land.
Dog walking. Kite flying and someone flying model aircraft. People jacking horses across the field. 2 people practising dance theatrical movements last summer.
19. How frequently have you seen other people using the land? (e.g. daily, weekly, monthly, occasionally)
20. Do you know of any organisations that use the land for formal sports? ***YES / NO**
If yes, please provide details.

THE LOCAL AREA

21. Do you consider yourself to be a resident of an identifiable locality or of a neighbourhood within a locality? ***YES / NO**
If yes, please provide details.
22. What recognisable facilities are available to the local residents within your locality?

LANDOWNER

23. Do you know who the owner or occupier of the land is?
If yes, please provide details. ***YES / NO**
24. Have you ever been related to or employed by the landowner or occupier?
If yes, please provide details. ***YES / NO**
25. Have you ever sought permission from any owner or occupier to use the land?
If yes, please provide details (including dates). ***YES / NO**

ADDITIONAL INFORMATION

If there is any further information that you wish to add please use the space below.

CERTIFICATION

I hereby certify that to the best of my knowledge and belief the facts I have stated are true and this questionnaire contains an accurate record of those facts. I also understand that a copy of this form may come into the public domain during the processing of this application.

Signed: Date: 6/2/2016

Name (.....
.....

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