



PINS NOTE 01/2015

To: All Inspectors (England)

Relevancy: Likely to have greatest relevancy to planning appeals casework; may also be relevant to development plan casework and national infrastructure proposals.

Date of Issue: 13 January 2015

Currency: review at 6 months after issue

TOWN AND VILLAGE GREENS AND COMMON LAND

Background – Town and Village Green Registration

1. Under section 15 of the Commons Act 2006, any party 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. One effect of an application to register land as a green can be to prevent future development proposals. The background to the registration of land as a green and the effect of registration is set out at <https://www.gov.uk/town-and-village-greens-how-to-register>

2. The Growth and Infrastructure Act 2013 introduced several changes to the 2006 Act registration regime. In particular, [Section 16 of the 2013 Act](#) amended the law on registering new greens by inserting a new section 15C and Schedule 1A into the 2006 Act. These introduce a mechanism whereby [registration authorities](#) can make exclusions from the right to apply under section 15(1) of the 2006 Act to register land as a green, where a 'trigger event' has occurred in relation to that land. This came into force on 25 April 2013. A list of 'trigger events' can be found in the first column in Schedule 1A to the 2006 Act. Trigger events can include, but are not limited to:

- the first publication of an application for planning permission for the land, which will include circumstances where planning permission is subsequently granted;
- the publication by the local planning authority of a draft local plan or neighbourhood plan proposal which identifies the land for potential development;

- the adoption or making by the local planning authority of a local plan or neighbourhood plan which identifies the land for potential development;

3. Additionally, the second column of Schedule 1A to the 2006 Act sets out 'terminating events'. Where the right to apply has been excluded because a trigger event has occurred, if one of the corresponding terminating events occurs this will mean that the right to apply again becomes exercisable. From that point it will be possible to apply to register land as a town or village green. One example would be where an application for planning permission for the land has been published (the 'trigger' event), and then withdrawn (the 'terminating' event). Further guidance on the changes to the 2006 Act introduced by the 2013 Act can be found in Defra's [Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006](#).

Background – Common Land Registration

4. The background to registration of common land can be found on Defra's [Common Land homepage](#).

Action

5. Advice is available for casework teams in Chapter 36 of the Planning Code on the approach to be taken to appeals for sites potentially affected by village green registration applications. In general, once the timescale for the registration application is known, the casework team will seek advice from a Group Manager on any related postponement/abeyance request. The key matters which the GM will take into account will be the likely timing of the town and village green inquiry, as well as evidence that the application to register is being actively considered by the relevant registration authority.

6. Given that there is little point in proceeding with a planning appeal case where parties might incur substantial expenses but would be frustrated anyway by a successful registration, abeyance should be seriously considered. However, PINS may also suggest to appellants that, pending the outcome of the registration application, the appeal might be withdrawn. Each case will need to be assessed on the basis of its particular circumstances.

7. If it is not clear from the file, you should check with the casework team to ensure that these issues have been noted and taken into account before deciding the appeal. It is unlikely that notice of such applications for registration will remain concealed until the point at which the case arrives with the Inspector, particularly in the case of town and village green applications following the introduction of section 15C of the 2006 Act. However, if that does arise, you should immediately consult your GM before proceeding, adjourning an inquiry briefly if necessary.

8. PINS Note 1063 is hereby cancelled.

9. Please contact XXXX if you have any queries on this Note.

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Acting Chief Planning Inspector