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Guidance

Common land and town or village greens: access your property by vehicle

Find out if you can legally drive across common land or town and village greens to access your property.

From:

[Department for Environment, Food & Rural Affairs \(/government/organisations/department-for-environment-food-rural-affairs\)](#) and [Natural England \(/government/organisations/natural-england\)](#)

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Applies to England

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Common land

You may be committing an offence if you drive across common land to access your property without having a legal right to do so.

You're committing an offence if you drive:

- without lawful authority on specific urban commons (known as 'section 193 commons') to which the public has a right of access

- on any land without lawful authority, except within 15 yards of a road in order to park on that land

You can acquire a legal right to drive over common land by prescription or an easement.

Establish a right of access by prescription

You can get a legal right of access, known as a 'prescription', through long-term use.

This right can be established if you, or the previous owners, have unlawfully driven across common land to access your property for over 20 years without being challenged by the landowner.

You don't need to pay the landowner compensation for this right of access.

Secure access by legal agreement with the landowner

You can legally secure vehicle access to your property if the landowner agrees to grant this right of access through a deed or similar legal instrument. This right is known as an 'easement'.

An easement might be suitable if:

- the landowner has always previously given you permission for vehicle access to your property
- you, or the previous owners, have accessed the property by vehicle for less than 20 years
- new access is required for neighbouring land, eg if a new house is built; any existing vehicle access by easement or prescription doesn't apply to the new property

The landowner will decide whether you'll have to pay any compensation in return for granting the easement.

See the guidance about [carrying out work on common land](https://www.gov.uk/guidance/carrying-out-work-on-common-land) (<https://www.gov.uk/guidance/carrying-out-works-on-common-land>) if you'll need to construct or improve an access way on common land.

Register a right of access

If you've obtained a legal right to drive over a common, you should record it with the [Land Registry \(https://www.gov.uk/government/organisations/land-registry/about/access-and-opening\)](https://www.gov.uk/government/organisations/land-registry/about/access-and-opening) in the register of title.

You'll need to provide evidence to show how you obtained the right of access through either of the methods above.

Town or village greens

You don't have an automatic right to drive across a town or village green (TVG) to access your property.

You can acquire a permanent right to drive over a TVG to your property using the same methods described above for common land. If, however, vehicle access will [interrupt recreation or cause damage to the TVG \(https://www.gov.uk/manage-your-town-and-village-greens#what-visitors-cant-do\)](https://www.gov.uk/manage-your-town-and-village-greens#what-visitors-cant-do), you can't get an easement as driving across the land would be a criminal offence.

You can continue to drive your vehicle over the TVG if vehicle access existed before the land became a TVG.

If vehicle access can't be granted

If vehicle access to your property would cause damage or affect recreational use of the TVG, it can only be legalised by changing the status of the land so that it's no longer a TVG.

To do this, the landowner must apply to the Secretary of State under section 16 of the Commons Act 2006.

If the TVG is owned by a local authority, they can use section 299 of the Town and Country Planning Act 1990 to change the use of land to another purpose. To do this, the local authority must get a certificate from the Secretary of State under section 19 of the Acquisition of Land Act 1981.

If the area of green included in the application is more than 250 square yards, other land must be given in exchange.

See the [Planning Portal \(http://www.planningportal.gov.uk/planning/countryside/commonland\)](http://www.planningportal.gov.uk/planning/countryside/commonland) website for more information and to download the forms that landowners and local authorities should use to apply to change the status of the land.

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- [Set up a commons council \(/guidance/set-up-a-commons-council\)](/guidance/set-up-a-commons-council)
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