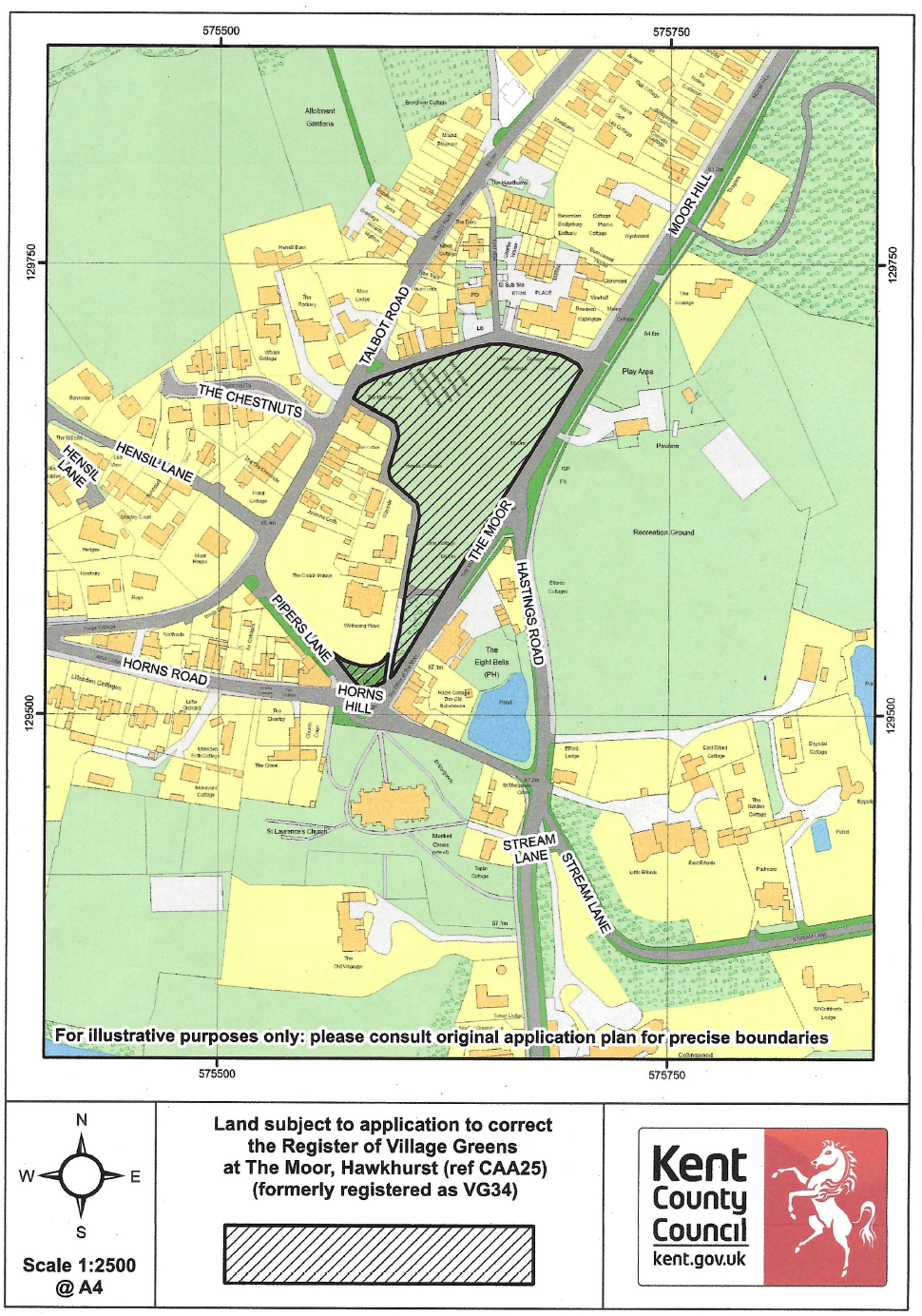


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| **Application Decision** |
| On papers on file |
| **by Mark Yates BA(Hons) MIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 20 October 2025** |

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| **Application Ref: COM/3354382**  **The Moor, Hawkhurst, Kent** |
| Register Unit: VG34 |
| Registration Authority: Kent County Council |
| * The application, dated 27 March 2024, was made under Section 19(2)(a) of the Commons Act 2006 (‘the 2006 Act’). * The application was made by Mr P. Green. * The application is to correct a mistake made by the registration authority in making or amending an entry in the register.  |  | | --- | |  |   **Decision**   1. The application is approved.   **Preliminary Matters**   1. Given that there is no issue regarding the extent and nature of the land included in the application, I have not considered it necessary to visit the site. The extent of the application land is shown by means of hatching on the map attached to this Decision. 2. Twelve representations were submitted in response to the application. Aside from the objection from Hawkhurst Parish Council (‘HPC’), these representations are supportive of the application. I note the assertation by the Open Spaces Society that the objection was not properly authorised by HPC. However, this is not a matter for me to determine. I do not consider that I can dismiss any representation submitted within the appropriate timeframe when reaching my decision.   **Statutory Framework and Main Issues**   1. Section 19(1) of the 2006 Act specifies that a commons registration authority may amend its register of common land or town or village greens (‘the register’) for any purpose referred to in subsection (2). Subsection (2)(a) outlines that this will apply to a mistake made by the authority in making or amending an entry in the register. 2. Section 19(5) outlines that a mistake may not be corrected if the authority considers that, by reason of reliance reasonably placed on the register by any person or for any other reason, it would in all circumstances be unfair to do so. 3. The main issue to be determined is whether Kent County Council (‘KCC’), as the registration authority, made a mistake when amending an entry in the register in relation to land known as the Moor.   **Reasons**   1. HPC applied on 24 May 1967 under the Commons Registration Act 1965 (‘the 1965 Act’) to register the Moor as a town or village green. On 21 September 1967 the Moor was provisionally registered as VG34. KCC informed HPC on 13 November 1970 that no objection had been made to the provisional registration of the land, and the registration had now become final. This correspondence is clearly supportive of the land being finally registered by KCC in the land section of the register. 2. In contrast, an objection was lodged by HPC to the provisional registration of another party in the ownership section of the register for VG34. A Commons Commissioner held a hearing on 17 January 1974, and the decision of 1 February 1974 was that the provisional registration in the ownership section should not be confirmed. This decision was clearly concerned solely with the ownership section of the register, and it was this provisional registration that should have been voided. HPC have provided minutes from this period, but these relate to the ownership of the land rather than the registration of it as a town or village green. 3. KCC have discovered an extract from the land section of the register where VG34 was originally included. It is stated that the registration entry being undisputed was made final on 1 October 1970. This is wholly consistent with the notification sent by KCC to HPC on 13 November 1970. However, this entry has been crossed out and a hand written note states ‘*On a direction of the Chief Commons Commissioner in pursuance of Section 6(2) of the Commons Registration Act 1965, the registration at entry 1 above became void*’. The same text appears in relation to the removal of the provisional registration in the ownership section of the register. 4. The main issue to be determined in this case is whether a mistake was made when the register was amended. However, some additional pieces of documentary evidence and personal recollections provide support for the Moor being considered a village green and used as such. The deed involving the sale of the Moor in 1930 describes the land as ‘*the village green of Hawkhurst*’. Further, HPC covenanted not to use the property ‘*otherwise than as a village green, recreation ground or playground’*. The lack of any claim at that time for the land to be registered as a town or village green is not surprising given that the registration process was introduced by the 1965 Act. 5. The evidence provided in relation to the registration process is supportive of the Moor being finally registered by KCC as a town or village green beforeit waslater removed following the decision of the Commons Commissioner involving the ownership of the land. The land and ownership sections of the register fulfil different purposes. One is concerned with land registered as a town or village green and the other with the ownership of the land. In light of the evidence provided I consider it more likely that the Moor was removed from the land section of the register in error. 6. In terms of the reliance placed on the omission of the Moor from the register, it should be borne in mind that HPC applied for the land to be registered and had been informed that this was the case. Whilst the land was later removed from the register, certain activities mentioned by HPC as taking place of the Moor would be wholly consistent with it being a village green. In relation to the land being used for parking, the applicant points to other land previously being used for this purpose. Overall, I do not find from the information provided that it has been shown that the correction of the register in order to rectify an error in this case would be unfair.   **Conclusion**   1. Having regard to these and all other matters raised in the written representations I conclude on balance that the evidence is supportive of the occurrence of an error when the land section of the register was amended in relation to the entry for VG34 and this should now be rectified. I therefore approve the application.   Mark Yates  **Inspector** |
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