

Contact: Clare Cuskin
Direct Tel: 03000 269 723
Fax: 0191 3833690
email: clare.cuskin@durham.gov.uk
Our ref:



Mr and Mrs Webb
Rose Stile Cottage
Romaldkirk
Barnard Castle
County Durham
DL12 9ED

11 May 2018

Dear Mr and Mrs Webb,

**RE: Application to Register Land as Village Green – Land Adjacent to Middle Green,
Romaldkirk**

By way of introduction, I am acting for Durham County Council as the Commons Registration Authority in determining the above-mentioned application to register land as a village green ("the Application Site").

I have reviewed the documents and representations submitted by all parties and must advise you that I have some concerns about the application.

As you may be aware, in order for land to be registered as a town or village green, one of the criteria which must be satisfied is that the land in question has been used 'as of right'. In general terms, 'use as of right' means that the use of the land must have been without force, secrecy or permission.

I have been made aware of the existence of a Deed dated 4th September 1930. This deed applies the provisions of Section 193 of the Law of Property Act 1925 to the land known as "Romaldkirk Town Street" (commonly known as "The Village Green"). If land is subject to the provisions of Section 193 of the Law of Property Act 1925, this means that the public has a right of access to that land 'for air and exercise'.

If the Application Site is subject to the provisions of Section 193 then, in my view this means that the Application site has been used with permission rather than 'as of right'.

Before I finalise my report to Members of Durham County Council's Highways Committee, I wanted to give you the opportunity to comment upon this issue. I am willing to allow you a reasonable time period in which to comment. I would suggest a period of 14 days from the date of this letter.

Corporate Resources – Legal & Democratic Services
Durham County Council, County Hall, Durham DH1 5UL
Main Telephone 03000 260000

However, if this would cause you difficulty please let me know, as I would be happy to extend this deadline.

Please do not hesitate to contact me if I can be of any further assistance.

I have also sent a copy of this letter to the Parish Council.

Yours sincerely,

Clare Cuskin

**CLARE CUSKIN
SOLICITOR (PLANNING AND DEVELOPMENT)**

Contact: Clare Cuskin
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Our ref:



Mrs L Cutting
Chair of Romaldkirk Parish Council
Bilbardie
Romaldkirk
Barnard Castle
DL12 9EE

11 May 2018

Dear Mrs Cutting,

RE: Application to Register Land as Village Green – Land Adjacent to Middle Green, Romaldkirk

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I have also sent a copy of this letter to the occupants of Rose Stile Cottage.

Yours sincerely,

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Mr and Mrs Webb
Rose Stile Cottage
Romaldkirk
Barnard Castle
County Durham
DL12 9ED
BY EMAIL

2 July 2018

Dear Mr and Mrs Webb,

Re: Application to Register Land as Village Green – Land Adjacent to Middle Green, Romaldkirk (“the Application”)

I write further to my letter dated 11 May 2018 and the meeting with you on 31 May 2018.

As I explained during our meeting, my role in determining the Application is to consider whether the evidence submitted demonstrates that the statutory criteria for registering land as a village green have been met and thereafter prepare a report to Durham County Council’s Highways Committee, which is the body responsible for determining the Application.

For the avoidance of doubt, I am not the decision-maker in respect of the Application, nor have I arrived at any firm conclusions in respect of what my recommendation to Members of the Highways Committee will be.

As discussed, I have a number of concerns in respect of the Application. In particular, I am keen to obtain the views of both the Parish Council and you as objectors in respect of a number of issues. These issues are as follows:

1. Does the Deed dated 4th September 1930 apply to the Application site?

As discussed, it is not certain whether the Application site is included within the land referred to in the 1930 Deed. The plan attached to the 1930 Deed is expressly stated not to be part of the Deed. However, on the other hand, the plan does state that it is intended to show the lands referred to within the Deed.

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2. If the 1930 Deed is found to apply to the Application site, does the Deed meet the criteria in Section 193(2) of the Law of Property Act 1925 and is the Application site land to which the provisions of Section 193 applies?
3. Can sufficient usage of the Application site be demonstrated to meet the statutory criteria for registration?

I look forward to receiving any comments you may have in respect of the above issues. As discussed at our meeting, I am unable to advise you in respect of the Application and would always recommend that you seek your own independent legal advice in respect of this matter.

I would suggest a period of 3 weeks from today (23 July 2018) for submission of any further representations in respect of the above matter. However, I am willing to consider extending this period further if necessary. Please let me know if this deadline is inconvenient.

Please do not hesitate to contact me if I can be of any further assistance.

I have also written to the Parish Council in the same terms as this letter.

Yours sincerely,



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Mrs L Cutting
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Bilbardie
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Barnard Castle
DL12 9EE
BY EMAIL

2 July 2018

Dear Mrs Cutting,

Re: Application to Register Land as Village Green – Land Adjacent to Middle Green, Romaldkirk (“the Application”)

I write further to my letter dated 11 May 2018 and the meeting with you and the various Romaldkirk Parish Council representatives on 28 June 2018.

As I explained during our meeting, my role in determining the Application is to consider whether the evidence submitted demonstrates that the statutory criteria for registering land as a village green have been met and thereafter prepare a report to Durham County Council’s Highways Committee, which is the body responsible for determining the Application.

For the avoidance of doubt, I am not the decision-maker in respect of the Application, nor have I arrived at any firm conclusions in respect of what my recommendation to Members of the Highways Committee will be.

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