

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of the Miscellaneous Licences Panel to be held on 8 September 2009

A

Subject:

A THIRD APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN AT LAND KNOWN AS BURLEY HOUSE FIELD, BRADFORD ROAD, BURLEY IN WHARFEDALE

Summary statement:

A THIRD APPLICATION HAS BEEN RECEIVED FROM BURLEY COMMUNITY COUNCIL FOR REGISTRATION OF LAND KNOWN AS BURLEY HOUSE FIELD, BRADFORD ROAD, BURLEY IN WHARFEDALE (LAND OWNED BY THE COUNCIL) AS A VILLAGE GREEN. THE COUNCIL AS REGISTRATION AUTHORITY MUST CONSIDER AND DETERMINE THE APPLICATION.

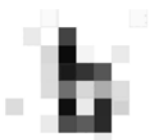
IT IS RECOMMENDED THAT THE APPLICATION BE ACCEPTED FOR THE REASONS SET OUT IN THE INSPECTORS REVISED REPORT DATED 1st JULY 2009

Suzan Hemingway
Assistant Director Corporate Services
(City Solicitor)

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**Improvement Committee Area:
CORPORATE**



2006-2007
Improving Rural Services
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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



WARD: WHARFEDALE

**COUNCILLOR C GREAVES
COUNCILLOR M PALMER
COUNCILLOR D SMITH**

1. Summary

- 1.1 The Council has received a third application for the registration of an area of land known as Burley House Field, Bradford Road, Burley in Wharfedale as a Village Green from Burley Community Council supported by a number of local residents. The application was acknowledged on the 19th February 2009.
- 1.2 The application is founded upon the use of land for lawful sport and pastimes, as of right, at Burley House Field, Bradford Road, and Burley-in-Wharfedale by the inhabitants of the localities for a period of at least 20 years. A copy of a plan identifying the area concerned will be available at the meeting.
- 1.3 The Council is the Registration Authority responsible for the determination of such applications under the Commons Act 2006.

2. Background

- 2.1 The land is owned by the Council.
- 2.2 The application was advertised on site and in the local press inviting representations during a six week period expiring on the 16th May 2009. One objection to the application for registration in respect of the site was received by the Assistant Director Corporate Services (City Solicitor) from the Director of Asset Management on behalf of the Council as landowner.

3. Other considerations

- 3.1 The land at Burley House Field is currently allocated for residential use in respect of the bulk of land south of the beck and as village greenspace in respect of the land to the north of the beck and a strip south of the beck on the current and deposit Unitary Development Plan. However, planning policy issues are not relevant to the determination of this application.
- 3.2 As most of the issues relating to the site have been fully considered at the previous public inquiries into the first and second applications, a more limited public inquiry confined to any additional evidence was held with regard to this third application. The Barrister appointed to act as Inspector in determining the application relating to the site, therefore held a Public Inquiry of Further Evidence on 20th and 21st April 2009 at the Queen Elizabeth Hall, Main Street, Burley in Wharfedale to hear further evidence from the Applicant and the Objector. His recommendation following the Public Inquiry was that the Council as Registration Authority should accept the application for the reasons set out in his Report dated 1st July 2009. A copy of the Inspector's Report dated 1st July 2009 has been made available to Members of the Panel. In the interests of sustainability this lengthy document has not been appended to the paper copy of this report but has been made available on the Council's website.

4. Options

- 4.1 Members may confirm or reject the application for registration. However, full regard must be had of the Inspector's advice in his Report and factual reasons must be given if it is decided to reject the application against the recommendation of the Inspector

5. Financial and resource appraisal

- 5.1 Financial provision has already been identified for the administrative and legal cost of determining the application.

6. Legal appraisal

- 6.1 The application has been processed in accordance with the regulations laid down by statute. A Public Inquiry has been held where the Applicant and the Objector have had the opportunity to present all relevant evidence.

The Assistant Director Corporate Services (City Solicitor) will summarise the main findings of the Inspector's report at the meeting.

7. Other implications

7.1 Equal Rights

- 7.1.1 There are no apparent equal rights implications.

7.2 Sustainability implications

- 7.2.1 There are no apparent implications for sustainability.

7.3 Community safety implications

- 7.3.1 There are no apparent community safety implications.

7.4 Human Rights Act

- 7.4.1 The following right is applicable in respect of this application.

Article 6 a procedural right to a fair hearing. A public inquiry has been held and human rights implications have been considered in the procedure established. If the decision is to confirm or reject the application reasons should be given.

7.5 Trade Union

- 7.5.1 There are no apparent Trade Union implications.

8. Not for publication documents

8.1 None

9. Recommendations

9.1 That Members accept the recommendation of the Inspector appointed to consider the village green application for land known as Burley House Field, Bradford Road, Burley-in-Wharfedale and accept the application for the reasons set out in the Inspector's report dated the 1st July 2009.

10. Appendices

10.1 None.

11. Background documents

11.1 Burley House Field, Bradford Road, Burley in Wharfedale application, supporting statements and appendices.

11.2 Inspector's Report.

(I:dev/ceb/commons.licreportburley3)



PLAN "A"



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City of
BRADFORD
 METROPOLITAN DISTRICT COUNCIL

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