

# Protect your land: Fighting new town or village green registration

## Why should you be concerned?

- Registration of a new town or village green ("TVG") is now easier than it ever has been before and the tactical use of applications for new registration is well known to lobbying groups such as the Open Spaces Society.
- Registration of a new TVG makes building illegal, effectively extinguishes all development value and gives rise to no compensation for landowners.
- Landowners need to approach the risk cautiously so as not to invite an application or to eliminate any possible insurance, and so need to know the risks particular to their land.

## What are the basic requirements for a new registration?

- The land must have been used for **lawful sports and pastimes**. The pastimes include harmless activities such as bird watching, dog walking and blackberry picking.
- The use must have continued for at least **20 years**. Substantial interruptions will stop time running.
- That use needs to "continue to at the time of the application" but there is a **two year wait and see period** after a use has stopped (and after the 20 years has expired) during which an application can still be made.
- The use must have been by a significant number of the inhabitants of any locality or of any neighbourhood within the locality which can be quite a small number depending on the circumstances.
- The use has to be **"as of right"** which means that it must have taken place without force (e.g. not as a result of tearing down fences) without secrecy and without permission. If permission has not been given or has been withdrawn, then the landowner's opposition will need to be backed up with proper preventative measures (e.g. through effective fencing) and/or by warning local inhabitants off the land.

- Whilst granting permission during the 20 year period is effective to stop time running, granting **permission for the first time after 20 years** use "as of right" has accrued has no effect on the basic right; a claim can still be brought even more than two years after that permission has been granted.

## Advice

- There is no standard advice for every site. It is important not only to analyse the historic use of the property but also the current situation regarding planning and potential development to decide on the appropriate tactical response to this risk.
- Burges Salmon have developed a risk assessment process to provide landowning clients with a quick and cost-effective preliminary view as to potential risk and how (and whether) to counter the potential threat of a new TVG registration on an area of land.

## Contact



**Alastair Morrison**  
Partner  
Rural Property Unit

+44 (0) 117 939 2258  
alastair.morrison  
@burges-salmon.com



**Julian Boswall**  
Partner  
Planning Unit

+44 (0) 117 307 6851  
julian.boswall  
@burges-salmon.com

© Burges Salmon LLP 2010. All rights reserved. Extracts may be reproduced with our prior consent, provided that the source is acknowledged.

Disclaimer: This briefing gives general information only and is not intended to be an exhaustive statement of the law. Although we have taken care over the information, you should not rely on it as legal advice. We do not accept any liability to anyone who does rely on its content.

Data Protection: Your details are processed and kept securely in accordance with the Data Protection Act 1998. We may use your personal information to send information to you about our products and services, newsletters and legal updates; to invite you to our training seminars and other events; and for analysis including generation of marketing reports. To help us keep our database up to date, please let us know if your contact details change or if you do not want to receive any further marketing material by contacting [marketing@burges-salmon.com](mailto:marketing@burges-salmon.com).

Burges Salmon LLP, One Glass Wharf, Bristol BS2 0ZX  
Tel: +44 (0) 117 939 2000 Fax: +44 (0) 117 902 4400  
Chancery Exchange, 10 Furnival Street, London EC4A 1AB  
Tel: +44 (0) 20 7685 1200 Fax: +44 (0) 20 7685 1266  
[www.burges-salmon.com](http://www.burges-salmon.com)

Burges Salmon LLP is a Limited Liability Partnership registered in England and Wales (LLP number OC307212) and is regulated by the Solicitors Regulation Authority. A list of members, all of whom are solicitors, may be inspected at our registered office: One Glass Wharf, Bristol BS2 0ZX.

